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THE

REFORMATION SETTLEMENT

BEING

A SUMMARY OF THE PUBLIC ACTS AND OFFICIAL DOCUMENTS

RELATING TO THE

Law and Ritual of the Church of England

FROM A.D. 1509 TO A.D. 1666

BY

J. LEWIS, M.A., LL.D., CAMB.
AND OF THE INNER TEMPLE

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PREFACE.

The various questions, confusions, and difficulties that have of late years gathered round church-matters, and are still in such doubt and debate, find a true solution in an impartial survey and study of the whole facts; and the appeal to history best serves both to clear up and remove the many and great misconceptions current, and to promote agreement on all fundamental points.

Of an elementary work, of no literary or original merit, little can be said; but the facts noted and set in order will, it is hoped, be of use to students and others interested in the subject, aiding them to obtain a more exact and accurate knowledge and view of the leading principles and results of the Reformation Settlement, and thus help both to quiet the scruples and remove the difficulties of conscientious minds, and to restore unity, order, and peace to a great but divided church.

The historical enquiry being complete in itself, and of a size meet for a volume, is published as a first part; the remaining chapters and appendices on Church Principles, Primitive and Catholic Use, the Church Courts, Convocation, Church Law, the Judicial Committee, etc., being left for a second.

Since the first sheet was printed, Dr. Pusey, on whose authority the first part of note 16 at page 8 was inserted, has been taken from us, and Dr. Wordsworth has resigned the see of Lincoln.

The writer's grateful acknowledgments are due to friends for generous and invaluable criticism afforded him during the progress of the work.

March, 1885.

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ERRATA AND ADDENDA.

Page 4, note 8, line 14, *for* seventeenth *read* eighteenth. The inventor (A. Messia, S.J.) died at Lima in 1732. About 1788 the conceit reached Rome, being indulgenced in 1815. Raccolta, s. v. "The Three Hours"; Decrets S. C. Indulg. Repos. p. 255.

Page	6,	note 12,	line	2,	*for*	c. 22	*read*	c. 122.
,,	22,	,, 30,	,,	2,	,,	obeatae	,,	oblatae
,,	34,	,, 63,	,,	1,	,,	Aylyffe	,,	Ayliffe.
,,	40,	,, 73,	,,	5,	,,	Bull,	,,	Bull.
,,	63,	line 7,			,,	c. 6	,,	c. 8
,,	81,	note 14,	,,	7,	,,	ab	,,	ob
,,	95,	,, 54,	,,	15,	,,	set forth	,,	*not* set forth
,,	99,	,, 61,	,,	9,	,,	cuigina	,,	cugina
,,	101,	,, 69,	,,	1,	,,	90	,,	91.
,,	110,	,, 91,	,,	24,	,,	II. p. 458	,,	III. p. 458.
,,	156,	,, 82,	,,	2,	,,	congregate	,,	congregati.
,,	158,	line 21,			,,	faith.	,,	faith."
,,	187,	note 18,	,,	3,	,,	31st	,,	28th,
,,	206,	,, 58,	,,	32,	,,	Macro	,,	Macro and
,,	222,	,, 104,	,,	10,	,,	did	,,	were
,,	280,	,, 270,	,,	3,	,,	the archbishops, chancellor, and	*read*	the archbishops' chancellor and
,,	288,	,, 311,	,,	19,	,,	473	*read*	472
,,	289,	,, 312,	,,	12,	,,	1626	,,	1627
,,	298,	,, 341,	,,	11,	,,	Pius	,,	Pii.
,,	307,	,, 383,	,,	30,	,,	1667	,,	1684
,,	327,	line 20, *for* epistoller, etc. *read* epistoller agreeably, according to the Advertisements published anno 7 Eliz."						
,,	331,	note 54,	last	line,	*for*	th	*read*	the
,,	340,	,, 72,	line	3,	,,	bigamist	,,	digamist
,,	344,	,, 91,	,,	4,	,,	then	,,	than
,,	349,	line 3,			,,	bishops	,,	bishops."
,,	353,	note 123,	,,	3,	,,	drunkeness	,,	drunkenness
,,	365,	,, 171,	,,	4,	,,	falsaque	,,	falsasque
,,	384,	,, 8,	,,	2,	,,	C. III.	,,	C. I.
,,	,,	,, 9,	,,	2,	,,	C. III.	,,	C. I.
,,	387,	,, 19,	,,	10,	,,	Pontificale	,,	Provinciale
,,	390,	,, 41,	,,	1, 4,	,,	Montaigne	,,	Mountaigne
,,	408,	line 9,			,,	George's	,,	Gregory's
,,	423,	,, 25,			,,	provincial	,,	convocation and
,,	432,	note 207,	,,	10,	,,	yet	,,	"yet

,, 447, ,, 267, *add* Neal reckons the 74 as clergy.

,, 465, ,, 346, line 3, *for* 346 *read* 84.

,, 478, line 14, *for* on St. *read* on some Lord's day before the feast of St.

,, 479, § 80, line 4, *for* accessorie *read* accessories

CHAPTER I.

RITUAL CONFORMITY.

IN 1833 there commenced a movement, the object of which was

the Catholicising of England, *i.e.* to bring up all to that faith of the primitive Church, which the Homilies say is specially to be followed as "most incorrupt and pure," or in scientific language, the rule of Vincentius, "quod ubique, quod semper, quod ab omnibus," the one faith which has been held by all, everywhere and always. This, and a life, the fruit of God-given faith, it was our object, by the grace of God, to preach and to teach . . . The mission was to the whole people of England, to win them to the full faith of Christ.[1]

It was soon followed by another, closely connected with it.

[1] *Unlaw*, p. 56, 7. Not that mere antiquity is a certain test; for "antiquity without truth is but antiquity of error."—Cyprian, ad Pomp. § 12, p. 335. Basil 1521.

One who took part in the movement has described it thus: "This intellectual movement was in no way begun by the direct action of the Church, nor by Catholic preachers or theologians of any kind. It was not the work of Catholic priests in England nor of Catholics at all. It sprung up from causes remote from all these agencies,—causes hardly perceived at the time. The effect, however, was most extensive. This school created for itself a whole literature, secular and so to speak theological. It multiplied every form of secular writings,—history, biography, poetry, romance, artistic, and æsthetical works. In theology it translated a Bibliotheca Patrum, wrote dogmatic treatises, controversial arguments, commentaries on Scripture, ritualistic essays, and the like. It pushed its frontier to the verge of the Catholic Church, and rested its extreme position on the Council of Trent. Such was the Oxford movement, of which many reasons warn me to refrain from saying more than that it was a sincere, manly, and resolute attempt to find truth at all hazards, and to follow it at all costs."—*Sermons*, by H. E. Manning, D.D., p. 48, Duffy, 1863.

The search after "the one faith of the primitive Church," was rewarded, and as it would seem, closed, by the discovery of the Decrees of the Council of Trent. The XXXIX. Articles were held by some of the explorers, if "explained rightly," not to contradict the decrees of the Council of Trent "explained authoritatively." The "primacy of the Bishop of Rome" was readily recognised, nor in the claim of the supremacy itself was there found anything to be objected to. Some of those

This, or "Ritualism," as it is now termed, began, we are told, in the conviction that

> every clergyman is bound by the plainest obligations of duty to obey the directions of the Rubric; for conforming to them in every particular he needs no other authority than the Rubric itself.[2]

With such aims and convictions, all sincere members of the Church of England could not, and cannot, but sympathise and agree. For no one who has clearly perceived and firmly grasped the principles and lines on which the Reformation proceeded, could fail to approve of any sincere desire to approach, in an orderly and lawful way, more nearly to the faith, discipline, and practice of primitive times.

For the reverent and becoming worship of HIM, who is THE FATHER of an INFINITE MAJESTY, must ever be a matter of concern and interest to all Christian people.

The "use of the Church of England," as contained in the Book of Common Prayer, is now, of course, the only one to be followed,[3] until altered by competent authority.

It is the Book common to all, clergy and laity alike, and so it has its direct authority and force, not from any "Law of

who conscientiously accepted this view remained, nominally at least, members of the Anglican Church; others again, seemingly dissatisfied with their position, honestly sought in Rome the faith, unity, and peace for which they yearned.—See Dr. Pusey's letter to *Weekly Register*, Nov. 22, 1865. Old Fuller, however, bluntly says that the articles of the Church of England and the decrees of Trent were "truth and falsehood starting in some sort both together."—Ch. Hist. IX. 72. And see Hist. de la Comp. de Jesus, by Cretineau-Joly, VI. p. 69, n. 1.

[2] *Unlaw*, p. 55; The Helston case in 1844 marks the date. See Stephens' Eccl. Stat. p. 2049.

[3] Before the Reformation there were some 90 different service books; some eight or more of these the parishioners were bound to find, for they formed part of the ornaments of the Church. In most parishes this was a very serious charge, and in some it would be far beyond the means of both priest and people. Hence at the Reformation it was provided that the clergy should need no other books for their public service but the Bible and Prayer Book, "by means whereof the people shall not be at so great a charge for books, as in time past they have been."—See Maskell. Mon. Rit. I. p. cxciv.; Can. 32, 34 of K. Edgar, and Can. 21 of Ælfric; Thorpe, A. S. Laws, II. 251, 351; The Canons of Winchelsey, Gray, and Cantilupe; Wilkins, Conc. I. pp. 666, 698; Lyndw., III. Tit. 27, p. 251; Pref. to C.P. of 1549.

the Church" or "Canon Law," properly so called,[4] but from the "Law of the Realm;" the Act establishing and enforcing it being enacted by the King, by the advice and with the consent of the "Three Estates of the Realm," the Lords spiritual and temporal, and the Commons in Parliament assembled.

It received this august sanction, not for the "tolerant recognition of divergent ritual practice,"[5] but

to the intent that every person within this realm may certainly know the rule to which he is to conform in public worship and administration of Sacraments and other rites and ceremonies of the Church of England, and the manner, how and by whom, bishops, priests, and deacons are and ought to be made, ordained, and consecrated.

The Act further provides,[6]

That the former good laws and statutes of this realm, which have been formerly made, and are still in force, for the uniformity of prayer and administration of the Sacraments, . . . shall stand in full force and strength, for all intents and purposes whatsoever, for the establishing and confirming the said Book . . . and no other.

Now the 1 Eliz. c. ii., which is thus *in pari materiâ*, and to be read together with the 14 Car. II. c. 4, as though in fact they were one Act, directs[7] that

all and singular ministers in any cathedral or parish church or other place within this realm of England, Wales, and the marches of the same, or other the Queen's dominions, shall . . . be bounden to say and use the Matins, Evensong, celebration of the Lord's supper, and administration of each of the Sacraments, and all their common and open prayer in such order and form as is mentioned in the said Book, so authorised by Parliament . . . and *none other or otherwise*.

This clause, as an acute and learned Ritualist long since

[4] Jus canonicum, *i.e.* ab Ecclesia seu viris ecclesiasticis institutum.— Lyndw. p. 76. See App. A.

[5] Memorial of Five Deans.

[6] 14 Car. II. c. 4, § 20. Rev. ed.

[7] § 2.

pointed out,[8] disposes of the fallacy that "omission is not prohibition," as well as of all questions as to the "maximum" and "minimum" of observance.

And the "Law of the Church" is in entire accordance with the "Law of the Realm." It directs[9] that

all ministers shall observe the orders, rites, and ceremonies prescribed in the Book of Common Prayer . . . without either diminishing in regard of preaching, or in any other respect, or adding anything in the matter or form thereof.

And the Canons, or such of them as are still in force, are unrepealed laws of the Church of England; and they are moreover

[8] Maskell, Anc. Lit. p. cxxxv.

The 14 Car. II. c. 4 orders "that all and singular ministers . . . shall be bound to say and use the Morning Prayer, Evening Prayer, celebration and administration of both the Sacraments, and all other the public and common prayer, *in such order and form* as is mentioned in the said book annexed and joined to the present Act." And see "Of Ceremonies" in the Preface to the C.P.

The 34 & 35 Vict. c. 37 and the 35 & 36 Vict. c. 35, have amended and altered the Calendar and Table of Lessons, and made provision for shortened, special, and additional services. Under the authority of this last Act the service on Good Friday, commonly known as the "Three Hours," was introduced at St. Paul's, as the Dean courteously informs me. It is a curious instance of the use of a *shortened* service Act. It has parliamentary authority only.

The "Three Hours" is the modern conceit of a South American Jesuit in the seventeenth century. Both it and the "Rite of Benediction," a sixteenth century addition, were gravely said by a writer in the now defunct *Union Review*, to have been "wickedly flung away by the Reformers," the "Three Hours" being "of remote antiquity."—*Ch. Rev.* Ap. 8, 1880, p. 164.

[9] Can. 14, 36; Can. 36 of 1865 has not received the Royal Assent. The declaration of assent made by all before ordination, institution, collation, or licence, runs, "I assent to the 39 Articles of Religion, and to the Book of Common Prayer, and of ordering of Bishops, Priests, and Deacons; . . . and in public Prayer and administration of the Sacraments I will use the form in the said Book prescribed and *none other*, except so far as shall be ordered by lawful authority."

The Curate's licence binds him to perform the office "according to the form prescribed in the Book of Common Prayer, *made and published by the authority of Parliament*, and the canons and constitutions in that behalf lawfully established and promulgated, and *not otherwise or in any other manner*."—See Blunt's Ch. Law, pp. 196, 237. Whoever therefore introduces or uses, of his own private authority, any other manner or form of service, commits wilful and deliberate perjury.

laws which it is the business of the Archbishop's Official Principal to enforce upon the clergy.[10]

Upon all matters of ritual or ceremonial about or concerning which directions are to be found, nothing is left to the discretion or indiscretion of the minister; the conformity must be absolute. A piebald ritual or obedience is an absurdity, if there are to be any laws at all, and if ordination vows are not to be made only to be broken at the will of those who make them.

And to prevent confusion and to remove difficulties, the 1 Eliz. c. ii. § 14 provides

that all laws statutes, and ordinances, wherein or whereby any other service, or administration of Sacraments or Common Prayer, is limited, established, or set forth to be used within this realm or any other the Queen's dominions or countries, shall from henceforth be utterly void and of none effect.

This very important clause swept away all injunctions, "constitutions, ordinances, canons provincial or synodal," and laws, that before and up to 1558 affected or regulated the public worship of the Church. There was no longer any need

[10] The Canons of 1603 are, in Dr. Liddon's opinion, unrepealed laws, though overridden by Acts of Parliament.—*Ch. Troubles*, p. xvii. The validity of laws, canons, and statutes, like the decisions of the courts, varies much in these days, depending for their authority and reception rather upon the fancies and private opinions of citizens, than on anything else. Anciently it was not so; men did not claim the right to interpret or disobey the law whenever it conflicted with their individual judgments. Now-a-days, Acts of Parliament and judicial decisions are only to be obeyed in Church matters when they agree with our wishes and views.

The Canons of 1603, that were made for uniformity of Prayer, were, together with the Acts of Uniformity in force, brought over by the 14 Car. II. c. 4, § 20, enforced and applied to our present Book; for "a lawful canon is the law of the kingdom as well as an Act of Parliament."—Vaugh. 327.

That no one in 1662 thought that the altered rubric in the Act of Uniformity had repealed, or was in conflict with, the canons, is certain; for in July, 1662, some two months after the Act passed, a quarto edition of the canons was printed and published "for the due observation of them by His Majesty's authority;" and a royal letter to the Primate soon after directed both the Canons and 39 Articles to be read twice in the year to the people, "that they may the better understand and be better acquainted with the doctrine and discipline of the Church of England, and not so easily drawn away from it as formerly they have been."—Kennett, Reg. pp. 724, 5, 795.

to "search and examine" them. Their authority forthwith ceased.

Express and solemn injunctions were given to all ordinaries to enquire for and punish offenders "by admonition, excommunication, sequestration, or deprivation, and other censures and process, in like form, as heretofore hath been used in like cases by the Queen's ecclesiastical laws."[11]

And all, bishops and clergy alike, are bound by the most solemn vows to maintain and yield a loyal conformity and obedience.

The one promise, on consecration, to correct and punish "such as be unquiet, disobedient, and criminous within their dioceses, according to the authority they have by God's word and the ordinance of the Realm."

The other, on ordination, "always so to minister the doctrine, and sacraments, and the discipline of Christ as the Lord hath commanded, and as this Church and Realm hath received the same;" as well as "to reverently obey the Ordinary and other chief Ministers unto whom is committed the charge and government over" them, "following with a glad mind and will their godly admonitions, and submitting" themselves "to their godly judgments," setting forward as much as lieth in them "quietness, peace, and love amongst all Christian people."[12]

In case of doubt "concerning the manner how to understand, do and execute the things contained" in the Book of Common Prayer, resort is to be had to the Bishop of the Diocese, and if the Bishop be in doubt, then he may send for the resolution thereof to the Archbishop.

[11] 1 Eliz. c. ii. § 4, 11, and see App. A.

[12] The Oath of Supremacy, appointed to be taken by the 28 & 29 Vict. c. 22, runs, "I, A.B. do swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, her heirs and successors, according to law."

That of canonical obedience is, "I, A.B. do swear that I will bear true and canonical obedience to the Lord Bishop of ——, and his successors in all legal and honest demands." This of course means all such demands as the Bishop by law is authorised to make (*Long* v. *Bishop of Capetown*, Moore, P.C. Rep. [N.S.] 1. 465), not such as any clergyman may, in his private judgment, think he ought to obey.

It was never meant that the Prayer Book, or its Rubrics, any more than any other part of the laws of the Church and Realm, should be of private interpretation, or that any minister, however sincere, learned, or pious, should set up in each or any parish a supreme court of final appeal, of which he is the self-constituted and infallible judge. A layman who tried the experiment would fare but badly; it is hard to see why a clerk should fare better.[13]

For the question of conformity is not one of this or that party, but of common order, conscience, and honesty.

It is one in which all are alike interested; for the Book of Common Prayer is the heritage of all; and every parishioner, who may wish to attend the parish church, has the undoubted right to require that the services of the church be conducted in a lawful manner, and according to the prescribed and accustomed form, and not according to individual caprice, ignorance, or self-conceit.

For the Acts of Uniformity and the Canons were not made or enacted for the sanctioning or toleration of diversity of ritual or ceremonial, but to prevent it; and in the interests of all, to secure and provide that neither diversity of doctrine nor ritual be fed out of the funds of the Established National Church.

And although the keeping or omitting of a ceremony, in itself considered, is but a small thing, yet the wilful and contemptuous transgression and breaking of a common order and discipline is no small offence before God. . . . The appointment of the order pertaineth not to private men, therefore no man ought to take in hand or presume to appoint or alter any public or common order in Christ's Church, except he be lawfully called or authorised thereto.[14]

The present confusion and conflict has arisen upon the construction put upon a Rubric by a court confessedly

[13] "If the judgments of the Privy Council had proceeded from a court in every respect unobjectionable, they would have been rejected all the same."—Ch. Times Summary, 1882, p. 275. See 1 Hagg. Con. 428.

[14] Pref. to Common Prayer.

"manned with our highest and maturest judicial power."[15] At one time, exception is taken to its decisions, at another, to its authority and honesty.

The clergy, we are told, "were obeying, as they believed, the 'law of the Church,'" when "they were bidden to obey the *un*law of a biassed court."[16] Its latest and most important decision is said plainly to be "of policy, not of law;" a majority of seven to three, declaring "that the Ornaments Rubric had a meaning the exact contrary to the literal meaning." It is accused of reading "the word 'not' into a simple rubric," and of declaring "that the Church, under the appearance of directing that a thing *should* be done, meant all the while that it should *not* be done."[17]

"The judges were out of their province. It is natural to think they were 'at sea' without rudder or compass. But what a hideous hypocrisy the law became in their hands."[18]

The court itself is termed a Court of Appeal utterly unconstitutional; a court, in fact, "composed of men who look at things not merely with the eyes of lawyers, but also with the eyes of statesmen, *i.e.* who, in pronouncing a sentence of law, look also "to what is expedient."[19]

[15] Sir J. W. Awdry, in *The Judicial Committee*, by the Rev. J. Randall.

[16] *Unlaw*, p. 67; In this "grave charge" Dr. Pusey does not mean to imply "any moral defect, for *humanum est errare.*"

In a recent case where the decision of a committee of a club was called in question, the Master of the Rolls said, "a committee, in arriving at a conclusion, may be—I will not say, 'biassed,' because that is a hard term—but may be drawn to a conclusion by one of a great many circumstances which are perfectly notorious and well known and perfectly true in every fact and detail, though not at the moment proved before them."—L.R. XVII. Ch. Div. p. 623.

[17] *Unlaw*, pp. 25, 27.

[18] *Unlaw*, p. 30.

[19] How easy it is to misinterpret and mistake appears from the gloss put, in all good faith, by Dr. Pusey, upon the Bishop of Manchester's words. The Bishop clearly did not mean to say that the judges of the Court of Appeal would, "in pronouncing a sentence of law, look also to what is expedient," nor even to imply it; but that for the consideration and solution of questions of public interest and importance, it was desirable to have men who were not merely lawyers, but statesmen—constitutional judges—who would as such take the broadest possible view, consistent with law, of the grave questions and weighty matters brought

When questions and charges such as these are raised and made by those whose age, learning, position, and piety have endeared them to many, it is little wonder that there are many sympathisers, or that a hasty and urgent demand is made by these for such a modification of the court as will make it what is called a "Church Court," as well as for "the recognised toleration of even wide diversities of ceremonial," as a policy demanded alike by justice, by "the best interests of religion," and "the immediate need of our Church." [20]

For they are very grave questions to raise, and very serious charges to bring, even though they were supported by the most overwhelming evidence; not lightly to be made by private citizens even then.

The *dicta* of able men, even of men so admirable, upright, and learned as the late Sir J. T. Coleridge, though worthy of profound respect and consideration, are not to be taken as the verdict of a court; for the conclusions are not in any case come to after extended research and discussion, but are only *ex parte* opinions, having but the weight of private judgments, rather than the authority of a grave judicial decision, given deliberately by the highest court of appeal,

before them, seizing them with a large grasp and dealing with them in a great and statesmanlike spirit. But not that the statesman would so control or influence the judge as to bias his decision and cause him to mistake mere expediency for law. There is not a judge on the bench, who would knowingly drag the ermine and the purple through the mire, by sacrificing honour and law to expediency and party.

[20] Memorial of Five Deans, in *Church Troubles*, p. 85.

A Church Court is one in which the judges are appointed or authorised by "the Spiritualty." A Court of Ecclesiastics appointed by Parliament would be a lay Court.

Part of the opposition to the Judicial Committee appears to be a phase of what may be termed "Keble-ism." "We received," says Dr. Pusey, "as a legacy from our revered friend and father, John Keble, the words . . . that we shall never have God's blessing on our work in the Church of England while we continue to quietly acquiesce in the present constitution of the Court of Final Appeal."—*Unlaw*, p. 14.

"But this was a subject," said Keble's friend and biographer, Sir J. T. Coleridge, "almost the only one on which I had the misfortune to differ," and speaking of "Ritualists," Sir J. T. Coleridge also said, "I do not shrink from saying that I think them misguided and the cause of mischief in the Church." —Letter to Canon Liddon, pp. 10, 6.

after the hearing and consideration of elaborate arguments, and the perfect threshing out of the subject by eminent counsel on both sides.

The Bishop of Lincoln, who, in common with Dr. Pusey, the late Sir F. Kelly, and others, thinks "that the vestments are lawful, but not obligatory," dealing wisely and discreetly with the subject, says,[21]

The Final Court of Appeal has decided against them; and whatever we may think of the grounds, . . . and however we may incline to the opinion that the groundwork of that decision has been invalidated by subsequent investigations, especially by the learned researches of Mr. James Parker,[22] yet it is a decision of the Crown

[21] *Diocesan Addresses*, p. 11, 1876. "It is not," Dr. Wordsworth remarks, "said that every minister *shall use them*, but only that they shall *be retained* (*i.e.* not abolished) and be in use."—*Id.* p. 61, 1879.

The memorandum of the late Sir F. Kelly, so opportunely printed by Mr. Wood, says, "I am far from thinking that the wearing of vestments is necessarily imperative under the Rubric. The words 'in use' may well leave it open to the minister to use one or another of several vestments referred to, without being bound to assume one or more of them in particular."—*Guardian*, Oct. 5, 1881, p. 1401. This view, however, smacks "of policy and not of law." But the Rev. T. O. Marshall, Organising Secretary of the E.C.U., is of a somewhat like mind; he said, "I have always been of opinion that the Ornaments Rubric does not order positively that the vestments shall be used."—*Ch. Times*, Aug. 15, 1879, p. 516.

The Rubric, however, is absolute and not optional; it does not say "shall be retained and *may* be in use," but "shall be retained and be in use." Moreover, it applies to the use of all ornaments, both of the Church and minister, and not to vestments only. If, therefore, the use of the prescribed ornaments is merely lawful, but not obligatory, then it is optional with the minister to use all, some, or none, at his discretion; and as it applies all round, he need not use any ornaments or vestment of any kind at all, unless he likes. To state such opinions is to refute them. The real question for solution is, What are the "ornaments" prescribed by the Rubric? for, whatever they are, they must be used, since, as Dr. Pusey reminds us, "every clergyman is bound by the plainest obligations of duty to obey the directions of the Rubric." If the Rubric makes it optional, it gives no positive directions at all, and every one may do as he pleases.

[22] The *Letter to Lord Selborne* is probably meant, and not Mr. Parker's very useful liturgical compilations. To Mr. Parker's kindness I am indebted for copies of the *Letter* and *Postscript*. Both contain many facts of value, as shewing that Q. Elizabeth did not take "other order" in the "advertisements." The real point in dispute, however, is not, as Mr. Parker supposes and puts it, "Did Q. Elizabeth take other order in the advertisements of 1566?" but, "Was other

itself, advised by the Final Court of Appeal. It demands our reverence as such, even though it may seem to us to be erroneous. There must be a final decision somewhere of such controverted questions; and ever since the Reformation the authority of pronouncing such decisions has been in the Crown. To this principle we have all assented. It is 1500 years old; it is as old as Constantine. Indeed, in the times of the Early Church, the authority was exercised by Emperors, even when not Christian.

The Bishop of Salisbury, on the other hand, unadvisedly writes,[23]

The controversy, which for three centuries has existed in the Church of England between the Catholic and Puritan parties within its borders, has gradually gathered round the Ornaments Rubric as round a battle field. . . . The Ridsdale judgment, pronounced as it was by an eminently dignified and weighty court, intensified in a high degree the trouble of the clergy, . . . but it is no disrespect to these eminent judges, the *majority* of whom[24] assented to the judgment, to express a grave doubt as to the soundness of the historical basis on which it proceeded. And it is, I suppose, plain that if it be historically clear that no other order was ever taken by the authority of the Queen's Majesty, with the advice of Her Commissioners appointed and authorised by the great seal of England, according to

order taken in the advertisements by her authority?" Mr. Parker has been proving what no one disputes, and fighting his own shadow, and in doing this, he has made the common mistake of confounding and blending together the two clauses of the section relating to taking "other" and "further" order, as though they were one, and "other" meant the same as "further." He has also misunderstood the purport of Lord Selborne's *Notes*. They are statements of historical facts, and no one of them has been displaced by Mr. Parker in his supposed reply. Moreover, Lord Selborne does not affirm that the Queen did by any injunction of her own, as distinguished from her authority given to the Bishops for the order taken by them, take other order, nor does he enter into or discuss any disputed question of law, or deal with the interpretation and legal effect of the "Advertisements," but only with the facts bearing on the question of their authority. Mr. Parker, has, in common with many others, overlooked, and so missed, the point.

[23] Letter to his Archdeacons, *Ch. Review*, Jan. 14, 1881.

[24] The majority was seven to three. We have already seen that Sir F. Kelly, although a dissentient, was of opinion that the Rubric does *not* imperatively enjoin the use of the vestments. The majority said the same.

the Act of Uniformity in 1559, the whole historical basis of the judgment disappears, and the Ornaments Rubric remains in possession of the field.

And after a little advice to the clergy to be patient, and not precipitate matters, he adds,

If you are wronged, as I think you are, by being forbidden by temporal courts to adopt various usages, which belonged to the ancient Universal Church,[25] and are recognised by the Rubric of 1549, do not doubt that there is a blessing on those who endure suffering wrongfully. . . . Why should not the Church of England tolerate things which the ancient Church considered good and lawful? Why should we try to force an outward uniformity upon men agreeing on the great essentials of faith and practice?

[25] An application to Dr. Moberly for the reasons of the "grave doubt," and and an enquiry what the "various usages" were, failed to obtain a reply.

It is matter of regret that Dr. Moberly, as Ordinary and an ecclesiastical judge, should have ventured thus to criticise the decision of judges not less eminent, learned, or conscientious than himself. Happily it is not the rule in England for judges to tell unsuccessful suitors that they "are wronged" by the decisions of other courts to which they may have gone; however permissible it may be to assure all such of the harvest of blessing which so very few really desire to reap and enjoy.

Dr. Moberly leaves out the Metropolitan; other order was to be taken by the advice of the Commissioners "or the Metropolitan"; and it is not at all plain that even if in 1564 "no other order was ever taken," the ornaments of King Edward VI.'s second year would be legal after the Revision in 1662, as we shall hereafter see.

Moreover, it is not a question of toleration of all, but of conformity to rules and a discipline voluntarily and solemnly agreed and submitted to by everyone taking orders in the Anglican Church.

For everyone ordained since the year 1833 has been so with the full knowledge of the fact that the final appeal in ecclesiastical matters lay to the Judicial Committee. If the courts can be improved or the law fairly needs alteration, let both be lawfully and wisely done, not in the interest of this or that section, but consistently and in the interest of all. The true and fundamental principle of all government is, that whilst a law is in force it must be obeyed by all, *a fortiori* by those who have, of their own free will and with full knowledge of its existence, formally sworn to obey it. If it is to be permitted to individuals to violate and defy a voluntary or other law, and, by creating disorder, to force its alteration or obtain toleration for its violation, then law and order have ceased to exist and chaos has begun. No society can hold together without rules and without obedience to those rules; and the interpretation certainly cannot ever rest with its individual members.

It is proposed in the following chapters to examine "the grounds of the recent decision," and "the soundness of the historical basis on which it proceeded"; as well as to test its accuracy by the application of those well-established first principles, upon which all are agreed, and which both decide and bind *in foro conscientiæ*. For, as a learned ecclesiastical judge has ruled, "The true criterion is conformity with primitive and catholic use."[26]

[26] Sir R. Phillimore, L.R. II. A. & E. 149.

CHAPTER II.

THE REIGN OF HENRY VIII.

From April 22nd, 1509, to Jan. 30th, 1547.

1. A.D. 1509. With the reign of Henry VIII. the "old quarrel" with the Curia was revived.[1] That it was resolved upon from the very first is plain from the alterations made by the King's own hand, in the oath taken at his coronation.[2] The struggle was, however, political rather than religious, and so but very slightly affected either doctrine or ritual.[3]

2. Apart from the questions of the supremacy and independence of the Crown, and the other special grounds of resistance to the absurd and extravagant claims of the Roman Court, Henry VIII. lived and died a stern and intolerant Romanist.[4]

3. "A very promising Prince," originally intended for the Primacy, he was for the age in which he lived, a good scholar, philosopher, and divine, skilled in the composition of masses, a diligent student of the works of his favourite author, Aquinas, and well read in the controversies of the time.[5] In his private life he was, as we know, but a feeble

[1] "I think if anyone will take the trouble to study the Acts of the reigns of Henry VIII. and Elizabeth—not that I at all wish to defend those sovereigns in all that they did—he will find that the quarrel between them and the Popes, so far as ecclesiastical jurisdiction is concerned, was an old quarrel which had often before been raised in Europe, and which had chiefly to do with this claim on the part of the Church to a coercive jurisdiction independent of the State."—The Hon. C. L. Wood, *Ch. Times*, Nov. 1, 1878.

[2] See App. B.

[3] The 25 Hen. VIII. c. 21, § 19, expressly provides that nothing contained in the Act was to be interpreted to mean that the king and realm meant "to decline or vary from the congregation of Christ's church in any things concerning the very articles of the Catholic faith of Christendom."

[4] See the king's draft of the "Six Articles."—Wilkins, Conc. III. 848.

[5] Collier, Eccl. Hist., Part II. Book I, vol. iv. p. 1; Life, by Lord Herbert, pp. 1, 2; Dodd, Ch. Hist. I. p. 125, ed. by Tierney, I. p. 311.

though faithful imitator of the time-honoured customs and manners of "The Holy City" and of the clergy of the time.[6] So far was he "beyond many of his predecessors in the respect paid to the Holy See," that Julius II. sent him, soon after his accession, that special mark of favour, the golden rose.[7]

4. There had been however, from time to time, frequent controversies concerning the limits of the two powers, civil and ecclesiastical, and, says the Roman historian,[8]

> the particular heads of those debates were the right of patronage or presentation to ecclesiastical dignities, exemptions of the clergy from taxes and prosecutions in courts of civil judicature, the privileges of sanctuary, the power of legatine courts, the custom of appealing immediately to Rome, the exorbitancy of the fees demanded by the Bishop of Rome upon account of his supremacy, the power of excommunication, and other church censures, in cases of a civil nature. . . . At length the legislature took it into consideration, that certain restraining laws would be a means of putting an end to many of these controversies, which had so long disturbed the peace both of Church and State. And this gave birth to the statutes of mortmain, provisors and præmunire against appeals to Rome, which were designed to secure the prerogatives of the Crown together with the liberties of the Church of England. Now these regulations were not according to the humour of the see of Rome, as it appears by the petitions to have those statutes repealed, yet all quarrels, both upon these and all other accounts, were still carried on within the pale of the Church. There was no breach of communion, no new liturgies, no articles of religion drawn up in opposition to the belief of the churches abroad—on the contrary, England still continued her correspondence with the see of Rome, and on several points was more observant than what might be required by the essentials of a spiritual supremacy. For, besides that no bishop was permitted to exercise his jurisdiction without the Pope's approbation and an oath of canonical obedience to the Holy See, the customary taxes for the pall, bulls of confirmation and dispensations,

[6] See App. C.

[7] Collier, Eccl. Hist. IV. p. 3; Wilkins, Conc. III. 652.

[8] Dodd, Ch. Hist. I. pp. 70, 71; Tierney, I. pp. 171—273.

the laws and orders for annates, first fruits and Peter-pence were still kept afoot, though under a more moderate regulation; and these collections were judged proper towards supporting the dignity of the Holy See, and enabling the Pope to answer the great charge of an universal inspection, wherein many agents were to be employed. Further, though the statutes above mentioned seemed to bear hard upon the Pope's usual jurisdiction, yet they were often set aside, as if they had been made only *in terrorem*; for we meet with pious foundations, papal provisions, legates from Rome, &c., as usual before those statutes were in force. Our kings thought fit to compliment the see of Rome with those privileges, which custom had almost made a right in former days; at least, several popes were pleased to expound them in that sense, and were for trying titles before they would part with them. This was the posture of affairs when king Henry VIII. came to the crown, who went beyond many of his predecessors in the respect he paid to the Holy See. He sued to Rome for a dispensation upon his marriage with Queen Catherine; he maintained the *jus divinum* of the Pope's supremacy in his learned book against Luther, and accepted of a bull, whereby he and all his successors obtained the title of Defenders of the Faith. He admitted Cardinal Wolsey to hold a legatine Court in converting the revenues of certain religious houses to the use of his colleges; he submitted to an appeal to Rome upon the first motion for the divorce, and allowed the two Cardinal Legates (Campeggio and Wolsey) to hold a legatine Court upon that subject; nay, even after he had assumed the title of Head of the Church, he was so scrupulous about the Pope's supremacy, that Cranmer was obliged, at his consecration, to take the usual oath of canonical obedience to the see of Rome.[9]

5. The first change of importance, next to the alteration of the coronation oath, was made by the Act taking away the

[9] Tierney remarks that this was not a "singular instance of the same feeling. Lee and Gardiner, when appointed in 1531 to the sees of York and Winchester, were compelled to address the Pope for institution; and it was not until the papal bulls had arrived that Henry invested them with their temporalities."—I. p. 173, note.

Another historian celebrates his devotion thus: "Sacramentum Eucharistiae summo semper in honore habuit," and adds, "Literis excultus fuit, virosque fovit literatos. Episcopos et doctos et minime malos plerumque nominavit," Cranmer being the exception.—Natal, Alex. Hist. Eccl. Sæc. XV. Art. III. § 9, vol. VIII. 312.

privilege of sanctuary from murderers and felons.[10] This very needful and salutary reform proved the cause of the first great dispute, the Abbot of Winchelcomb publicly declaring, in a sermon at Paul's Cross, that it was directly contrary to the law of God and subversive of the liberties of the Church; and that the bishops and peers who had passed the Bill had incurred the censures of the Church; and not content with the sermon, he published a book to prove that all clerks were sacred, and exempt from the jurisdiction of the temporal courts.[11]

6. The matter made a great stir, and the Lords and Commons besought the king to check the wilfulness and lawlessness of the clergy. By the king's order the matter was debated and very solemnly argued before the king and Council, all the Judges being present, Dr. Standish, afterwards Bishop of St. Asaph, appearing as counsel on the one side and the Abbot on the other. To the reasonable arguments of Standish, the Abbot triumphantly replied that clerks were expressly exempted by the direct command of Christ, *Nolite tangere Christos meos*, "touch not mine anointed," and therefore the bringing of the clergy before the temporal courts was contrary to the command of Christ Himself. Arguments of the kind, however conclusive to the mind of the Abbot, failed to convince the laity present, who desired the Bishops to order the Abbot to recant. This the Bishops refused to do, stiffly maintaining the same opinion.[12]

7. The case of Richard Hunne,—put, for a mortuary fee, into the spiritual court, which was supposed to sit by legatine,

[10] 4 Hen. VIII. c. 2, A.D. 1512. The Lords added two provisos to the Bill, the one excepting bishops, priests, and deacons from its provisions; the other, that it should only be in force during that parliament. See App. D.

[11] Burnet, Hist. of Ref. I. pp. 10—14; Collier, Eccl. Hist. IV. pp. 8—19.

[12] An entry made in the *Lords' Journals* records that "In this Parliament and Convocation there were most dangerous contentions between the clergy and the secular power about the ecclesiastical liberties, one Standish, a minor Friar, being the instrument and promoter of all the mischief." Dr. Taylor, who made the entry, was not only Clerk of the House of Lords, but also Speaker of the Lower House of Convocation.—See Keilway, Rep. fo. 181—186, on the whole question.

or foreign, authority, and then, upon his suing the clerk on a *præmunire*, thrust into the Lollards' Tower as a heretic, where he was found hanged,—occurred at this time, and served to quicken the general resentment. The coroner's jury brought in a verdict of wilful murder against the Bishop of London's apparitor and bell-ringer; and the Bishop in his turn, not to be outdone, convicted Hunne as a heretic, and delivered his body to the Sheriff, who burnt it in Smithfield. This, however, did not prevent the indictment of the Bishop's Chancellor (Dr. Horsey) for murder, nor stay the tide of popular discontent.

8. Finally, after the great debate before all the Judges at Blackfriars, all the Lords, spiritual and temporal, with many members of the House of Commons, and all the king's Council, with all the Judges, were again summoned before the king, at Baynard's Castle, when Wolsey, kneeling before the king, objected that the convening of clerks before the temporal courts was, in the opinion of the clergy, directly contrary to the laws of God and the liberties of Holy Church; and he craved permission to refer the matter to the Pope for decision. The king is reported to have given judgment thus:

By the providence of God, we are King of England, and the kings of England in times past had never any superior but God only. Therefore know you well that we will maintain the right of our Crown and of our temporal jurisdiction, as well in this as in all other points, in as ample a manner as any of our progenitors have done before our time. And as for your decrees, we are well assured that you of the spiritualty go expressly against the words of divers of them, as hath been shewed you by some of our Council; and you interpret your decrees at your pleasure, but we will not agree to them more than our progenitors have done in former times.

9. But "the clergy suffered much in this business; for their exemption, being well examined, was found to have no foundation at all but in their own decrees, and few were much convinced by that authority, since upon the matter, it was but a judgment of their own, in their own favor."[13]

[13] Burnet, Hist. Ref. I. p. 13; Knight, Hist. Engl. II. 277.

The events, however, influenced public opinion, and prepared the minds of the people for the changes that were afterwards made.

10. These, however, were stayed awhile by the wars with Spain, Scotland, and France; no parliament either was summoned between 1515 and 1523, the king and his minister Wolsey governing at their sole will.

But the appearance of Martin Luther, and the progress of the invention of printing, gave a new and decisive impulse to the work of reformation and restoration in England.[14]

11. A.D. 1521. The king, "being at leisure from wars and for the rest delighting much in learning," entered the lists against Luther, whose works were publicly burnt at Paul's Cross on the 12th of May, before the papal legate and the ambassadors, in the presence of a crowd; whilst the king's treatise, "De Septem Sacramentis," richly bound, was presented in full consistory to the Pope, who rewarded so zealous a champion with the title of "Defender of the Faith."[15]

12. The king followed it up by a letter to Louis of Bavaria, urging stronger arguments, and wishing him to "seize and exterminate this Luther, who is a rebel against Christ; and unless he repents, deliver himself and his audacious treatises to the flames."

13. Luther, in his answer, whilst praising the elegance of the king's speech, was personal and rude; a habit still clinging to, and not uncommon amongst, ecclesiastics of our own time, when the decisions of courts are in question.

Even Sir Thomas More, who, under the name of William Ross,[16] wrote a reply to Luther, was no whit behind him in fierce and eloquent abuse.

14. A.D. 1523. Parliament met, but passed no laws affecting the interests of the Church.

[14] See App. E.

[15] Lord Herbert, Life of Hen. VIII. p. 85; Wilkins, Conc. III. 693—5, 702; Bull. Rom. X. 52.

[16] Not to be confounded with the Gulielmus Rossaeus, who wrote "De Justa Reipublicae Christianae in Reges impios."

In September, 1524, Clement VII., by bull, authorised Wolsey to suppress, with the consent of the king and founders, monasteries to the yearly value of three thousand ducats, and on January 7th, 1525, the Royal Letter, giving the needful assent, was issued.[17]

In September, 1524, too, another bull gave Wolsey power to visit and reform all monasteries and religious houses[18]; in May, 1528, a third bull authorised him to suppress five monasteries to found his college at Ipswich.[19]

In November came a fourth, empowering the two legates

[17] Dodd, I. pp. 138, 300; forty monasteries were suppressed; Bull. Rom. X. p. 54. The bull runs, Si ad hoc praefati Henrici regis fidei defensoris, et, si extant, fundatorum ipsorum monasteriorum, seu ipsorum successorum accesserit assensus.

[18] Dodd, I. p. 301; Wilkins, Conc. III. 705; Rymer, XIV. 18.

Innocent VIII. had, in 1489, issued such a commission. In it, speaking of the religious houses, he said: Non modo pristina vivendi norma relicta fuit, sed etiam, quod dolenter referimus in quibusdam ex eis illorum personae se in reprobum sensum dantes, Dei timore postposito, vitam lascivam ducunt, et nimium dissolutam, in animarum suarum perniciem, divinae majestatis offensam, religionis opprobrium malumque exemplum et scandalum plurimorum, unde correctionis et reformationis officio plurimum indigere noscuntur. Wilkins, Conc. III. 630.

And the monition of the Archbishop of Canterbury to the Abbot, speaking of the common report of the Abbey of St. Albans, of the simony, usury, and other crimes and enormities, and the neglect by the monks of all the duties and decencies of life, says: "Dei timore postposito, lascivam vitam duntaxat ducunt, et quod dictu horrendum est, per saepe loca sacra, etiam ipsa Dei templa, monialium stupro et sanguinis et seminis effusione profanere non verentur . . . ac confratres et commonachi tui, quorum quidam ad omnia mala mundi, ut dicitur, sunt dediti, dum cultu divino quasi penitus neglecto, isti scorta et meretrices infra monasterii septa et extra, quasi publice et continue sibi prostituunt," &c. Wilkins, Conc. III. 632, 3.

And Wolsey, writing of the complaints made upon his suppression of certain small monasteries, "wherein neither God is served, ne religion kept," says he has converted them to a much better use. Ellis, Orig. Let. II. p. 18, 2nd ser.

Nor were the seculars any better than the regulars. At a metropolitan visitation of Archbishop Warham, eighty priests were presented for incontinence in the dioceses of Bangor and St. David's only. Warham, Reg. fo. 222—227. It is little wonder that Lee, the Archbishop of York, complained, in July, 1535, that he did not know in all his "Dyocese, xij secular priests preachers, and fewe friers and almoste none of any oodre religion"; and those who had the best benefices, he says, were not resident. Ellis, Orig. Let. II. p. 339, 1st ser.

[19] Fiddes, Life of Wolsey, Coll. 101; Rymer, Foed. XIV. 240, 1, 4, 6, 7.

to suppress monasteries where there were less than twelve friars or nuns;[20] and in June, 1529, a fifth bull gave them power to suppress at discretion.[21]

15. A.D. 1529. On November 3rd a parliament was summoned, and the business of the Reformation began in good earnest. Forty-four articles of impeachment were exhibited against Wolsey; More, L.C., Fitzjames, L.C.J., and Fitzherbert, J., signing them.[22]

Acts were passed regulating the fees to be taken for probate of wills, for mortuaries, and prohibiting plurality of livings, and the taking of farms by spiritual persons.

Wolsey had sat as Lord Chancellor for the last time on October 9th, and on the 17th gave up the great seal, and with its surrender passed away for ever the power of clerical chancellors to destroy or fetter liberty of conscience, the few years of Queen Mary's reign being the only exception.[23]

16. A.D. 1530. An adjourned Session of Parliament was held on July 30th. A remarkable speech was made by a member of Gray's Inn, named Hall, in reply to one by Fisher, the bishop of Rochester.[24] A letter was also addressed to Clement VII. in favor of the divorce. It was signed by both the archbishops (Wolsey and Warham), four bishops, twenty-two abbots, forty-two peers, and eleven knights and doctors in parliament. The Pope replied on September 27th.[25]

The 22 Hen. VIII. c. 2 was also passed, reviving the important statute 4 Hen. VIII. c. 2, to which reference has been made.[26]

17. The Convocation of the Province of Canterbury had met on January 21st, being at the time, like Wolsey, under the penalties of a præmunire; he for acting as legate, and they for submitting to his authority.

[20] Rymer, XIV. 272.

[21] Rymer, XIV. 291; Wilkins, Conc. III. 715.

[22] 4 Inst. 95; Collier, Eccl. Hist. IV. pp. 109—119.

[23] Fiddes, pp. 470, 1.

[24] Parl. Hist. by Cobbett, I. 503; Lord Herbert's Life of Hen. VIII. p. 236.

[25] Parl. Hist. I. pp. 507—514.

[26] Ante p. 16, 5.

When the subsidy came to be voted on February 7th, certain articles were found inserted, the one relating to the Supremacy being thus expressed: "Ecclesiae et cleri Anglicani, cujus protector et supremum caput is solus est." To this form the Convocation objected, and the king then inserted the words "post Deum" after "caput." This also was rejected.

Archbishop Warham then proposed, on February 11th, the form, "Ecclesiae et cleri Anglicani, cujus singularem protectorem unicum et supremum dominum, et (quantum per Christi legem licet) etiam supremum caput, ipsius majestatem cognoscimus." This was unanimously adopted, and subscribed to by Warham and the eight bishops and sixty-two abbots and priors who formed the upper house, and by eighty-four members of the lower house, forty-eight being proxies.[27]

18. Lord Herbert, followed as it would seem by Collier, thought that the idea of the supreme headship was first suggested to the king in the year 1527, by the provisions of the treaty entered into with the King of France in that year, and that the king took the first hint for the dissolution of the monasteries from Wolsey.[28] But the facts go the other way; the alterations made in the coronation oath and the king's speech at Baynard's Castle negative the first supposition;[29] and the fact that it was the Pope himself who began the dissolution in 1524, and says that it was done of his own accord, but, subject to the king's consent and that of the founder's, first had and obtained,[30] disposes of the second.

19. Whatever, at this distance of time, may be thought of the suppression of the so called "religious" houses, the fact

[27] Wilkins, Conc. III. 705; Heylin, Tracts, p. 5; Lathbury, Hist. Conv. pp. 102, 3; Burnet, I. p. 84; Collier, Eccl. Hist. IV. 176. And see the decrees of Oxford and Cambridge against the Pope's supremacy, and the oaths to be taken. Dodd, I. pp. 268, 9, 270.

[28] Life of Hen. VIII. p. 161; Collier, Eccl. Hist. IV. p. 64.

[29] Collier, Eccl. Hist. IV. 18, and ante p. 18.

[30] The bull says: motu proprio . . . motu simili, non ad alicujus nobis super hoc obeatae petitionis instantiam, sed de nostra mera deliberatione et ex certa scientia, ac de apostolicae potestatis plenitudine. Dodd, Ch. Hist. I. 300.

is certain that it was a very necessary, wholesome, and salutary measure. The study of the works of Roman annalists and historians puts it beyond all doubt or question, that whatever may be said in favor of their early beginnings, they eventually became, both in England and on the Continent, all that their enemies ever described them. Nor is the reason very hard to find. It was the inevitable and natural result of an unnatural state of things; and the supposed literary benefits, of which we at times hear such loud boasting, have been efficiently dealt with by a Roman writer of repute.[31]

20. The struggle too for supremacy meant national independence, and freedom from the most appalling despotism that ever afflicted the earth. We may be quite sure that the king would not and could not have succeeded, alone and single-handed, in shaking off the tyranny of the Curia, and in smiting down a power before which all Christendom had for so many centuries quailed, if he had not been supported by the might of public opinion and the justice of his cause; or, as Lord Herbert puts it, "much animated by the concurrence of his subjects in parliament, both spiritual and temporal."[32]

21. We, in the nineteenth century, can afford to smile at the revived pretensions made of a universal, though now, merely spiritual, monarchy; but in the middle ages the effect was very serious, and backed as it was by Papal anathemas and interdicts, and by the unknown terrors of the invisible world, and supported from time to time by the material forces, so constantly and skilfully made use of by the Popes to crush and overwhelm all opposition and enforce their claims, Rome succeeded at last in trampling on and destroying the liberties of conscience and of peoples, the freedom of senates, the independence of churches, and the rights of kings. Christendom existed for her alone, and had no rights independent of her will, which was, in fact, the universal law.[33]

[31] Literary History of the Middle Ages, by the Rev. J. Berington.

[32] Life, p. 245.

[33] The student will find in the Decretum of Gratian, the collections of Goldasti, Regino, Burcardus, and Ivo, the editions of the Canon Law by Van

22. But the recognition of the Supremacy affected discipline only. For the doctrines of Rome were retained in their full strength, as is plain from the fact that, on February 25th, the prolocutor brought before the synod of Canterbury the errors in the will of William Tracy of Toddington. On the 23rd of March, the will was condemned as impious and heretical, and the executors were ordered to shew cause why the body should not be exhumed and deprived of Christian burial.[34] By the direction of Parker, Chancellor of the Diocese of Worcester, the body was taken up and burned some two years after death. The will, apart from any other objections, had, it seems, omitted the usual clause recommending the testator's soul to the intercession of the saints.[35]

23. A.D. 1531. The Convocation of York agreed, on the 4th of May, to acknowledge the Supremacy, Tunstall formally protesting.[36] It is important to notice the dates of the various acts passed both in Convocation and in Parliament "at this eventful period, in order to shew that the acts of our synods preceded, and did not follow, those of the imperial legis-

Espen and Pithou, the various European codes, the Ecclesiastical Histories of Dupin, Pollini, Natalis Alexander and Fleury, the Bulls of the Popes, the Concilia of Labbe and Wilkins, the Annals of Baronius, Bzovius, Raynaldus, and Spondanus, the Gesta of Pagius, the Lives of the Popes, by Platina, Palatio, and Guarnacci, the Letters of Innocent III. by Baluze, the collections of Canisius and Baluze, the works of Bellarmine, Simeoni, Orsi, Febronius, De Marca, Bossuet, Launoy, Gerson, the Regale of Lombardo, the Treatises of Ballerini, Segneri, and Soardi, and, as coming nearer home, the various writings of M. Paris, Sanders, Parsons, Stapleton, Pacenius, Carey, Cardinal Pole, King James, the Memoirs of Panzani, and the interesting History of Dodd, partly republished by Tierney, to say nothing of many others, much valuable information upon the rise and nature of the Roman claims and the resistance made to them, both in England and abroad.

[34] For so it was and is still ordered by the Canon Law, for Rome wars, not only with the living, but the dead. Decret. Greg. IX. Dec. V. Tit. VII. § 8; Corp. Jur. Can. II. 238, ed. Pithou. Provision, too, is expressly made that faith is in no wise to be kept with heretics or the excommunicate; Liberantur ab omni obligatione, qui haereticis tenebantur adstricti. See Dec. II. causa. XV. Q. VI. § 3—5; Corp. Jur. Can. I. p. 260, ed. id.

[35] See App. F.

[36] Wilkins, Conc. III. 745; Collier, Eccl. Hist. IV. 177.

lature."[37] For it was not under Cranmer, but under "his unsuspected predecessor Warham," and by the formal, well-considered decrees of the clergy in Convocation, afterwards embodied in Acts of Parliament, that the usurped Papal supremacy was first abolished, and the king's, as representing the State, restored.

In parliament many important statutes were passed, one of them being the act restraining the payment of annates to the Pope.[38]

24. A.D. 1532. The first thing done at the meeting of parliament, on January 15th, was to make a serious complaint against the clergy, and on the 18th of March to present it to the king. The articles were set forth in a book called "The Supplication," and were sent by the king to the primate, who presented them to the Convocation of Canterbury on April 12th. The clergy made two replies,—one on behalf of the ordinaries, and another for the lower house.[39]

25. The king, misliking both the answers, and the further declaration, as being too artificial and ambiguous, gave a form to be delivered by Fox, his almoner, to Convocation for their assent and subscription.[40]

It ran thus:[41]

1. That no constitution or ordinance shall be hereafter, by the clergy, enacted, promulged, or put in execution, unless the king's highness do approve the same by his high authority and royal assent; and his advice and favor be also interponed for the execution of

[37] Joyce, Eng. Synods, p. 338.

[38] 23 Hen. VIII. c. 20. The annates were the first year's income of every bishopric or living, which were paid to the Pope, vicarages not exceeding £10 and parsonages of not more than 10 marks being excepted. The Pope claimed them *Jure Divino*, and as the disposer and patron of all spiritual preferments; very large sums went to the Papal exchequer from this source, the bishoprics alone being rated at £30,000 in the Pope's book.

[39] Not to be confounded with "the Supplication of Beggars," written by Fish. Dodd, Ch. Hist. I. p. 304; see Cobbett, Parl. Hist. I. 516; Collier, Eccl. Hist. IV. 184; Wake's State of the Church, p. 476; Wilkins, Conc. III. 748, 750, 2, 3.

[40] Collier, Eccl. Hist. IV. 186—190; Wilkins, Conc. III. 753, 749.

[41] Collier, Eccl. Hist. IV. 190; Wilkins, Conc. III. 749.

every such constitution to be made in time coming amongst his highness' subjects.

2. That whereas divers of the constitutions provincial, which have been heretofore enacted, be thought not only much prejudicial to the king's prerogative royal, but also much onerous to his highness' subjects, it be committed to the examination and judgment of thirty-two persons; whereof sixteen to be of the upper and nether house of the temporalty, and other sixteen of the clergy; all to be appointed by the king's highness; so that finally, whichsoever of the said constitutions shall be thought and determined by the most part of the said thirty-two persons worthy to be abrogated and annulled, the same to be afterwards taken away, and to be of no force and strength.

3. That all other of the said constitutions which stand with God's laws, and the king's, do stand in full strength and power, the king's highness' royal assent given to the same.

26. Convocation was perplexed at this message, and adjourned for three days, in order to consult with the Bishop of Rochester. The king, hearing of this, sent for the speaker of the House of Commons, and complained that the clergy were but half his subjects, pointing out the inconsistency of the oaths taken to the Pope with that of allegiance to him; and he desired the parliament to consider the matter and remove the inconsistency.[42]

27. Finally, on May 16th, Archbishop Warham carried up to the king the form of submission to which the upper house had agreed, and upon which the subsequent statute was founded. The lower house, having already passed a more comprehensive one, theirs was by consequence included in it, and their formal consent was needless.[43]

The submission was as follows:

We, your most humble servants, daily orators, and beadsmen of your clergy of England, having one special trust and confidence in your most excellent wisdom, your princely goodness, and fervent

[42] Cobbett, Parl. Hist. I. 519; Coll. IV. 190; and see new oath of clergy to the king. Wilkins, Conc. III. 755.

[43] Collier, Eccl. Hist. IV. 195; Joyce, Eng. Synods, p. 346; Wilkins, Conc. III. 754.

zeal to the promotion of God's honor and Christian religion, and also in your learning far exceeding, in our judgment, the learning of all other kings and princes that we read of, and doubting nothing but that the same shall still continue and daily increase in your majesty,

1. Do offer, and promise *in verbo sacerdotii* here unto your highness, submitting ourselves most humbly to the same, that we will never from henceforth enact, put in use, promulge, or execute any new canons or constitution provincial, or any other new ordinance, provincial or synodal, in our convocations or synod, in time coming, which convocation is, always hath been, and must be assembled only by your high commandment of writ; only your highness, by your royal assent, shall licence us to assemble our convocation, and to make, promulge, and execute such constitutions and ordinaments as shall be made in the same, and thereto give your royal assent and authority.

2. That whereas divers of the constitutions, ordinaments, and canons provincial or synodal which have been heretofore enacted, but thought to be not only much prejudicial to your prerogative royal, but also over much onerous to your highness' subjects, your clergy aforesaid is contented, if it may stand so with your highness' pleasure, that it be committed to the examination and judgment of your grace, and of thirty-two persons, whereof sixteen to be of the upper and nether house of the temporalty, and other sixteen of the clergy, all to be chosen and appointed by your most noble grace. So that finally, whichsoever of the said constitutions, ordinaments, or canons provincial or synodal shall be thought and determined by your grace, and by the most part of the said thirty-two persons, not to stand with God's laws and the laws of your realm, the same to be abrogated and taken away by your grace and the clergy. And such of them as shall be seen by your grace and the most part of the said thirty-two persons to stand with God's laws and the laws of your realm, to stand in full strength and power, your grace's most royal assent and authority once impetrate fully given to the same.

28. To this submission the statute of the following year bound them.

Parliament, which had re-assembled on April 10th, passed the important Act for "the Restraint of Appeals,"[44] of which we have lately heard so much.

[44] 24 Hen. VIII. c. 12.

It recited that the "realm of England" was "governed by one supreme head and king," unto whom "a body politic, compact of all sorts and degrees of people, divided in terms and by names of spiritualty and temporalty, been bounden and owing to bear next to God a natural and humble obedience," and further that the king was furnished

with plenary, whole, and entire power, pre-eminence, authority, prerogative, and jurisdiction to render and yield justice and final determination to all manner of folk, residents or subjects, within this his realm, in all causes, matters, debates, and contentions happening to occur, insurge, or begin within the limits thereof, without restraint or provocation to any foreign princes or potentates of the world. The body Spiritual whereof having power when any cause of the law divine happened to come in question or of spiritual learning, then it was declared, interpreted, and shewed by that part of the said body politic called the spiritualty, now being usually called the English Church, which always hath been reputed and also found of that sort that both for knowledge, integrity, and sufficiency of number, it hath been always thought and is also at this hour sufficient and meet of itself, without the intermeddling of any exterior person or persons, to declare and determine all such doubts and to administer all such offices and duties as to their rooms spiritual doth appertain, for the due administration whereof and to keep them from corruption and sinister affection, the king's most noble progenitors and the antecessors of the nobles of this realm have sufficiently endowed the said Church both with honour and possessions; and the laws temporal, for trial of property of lands and goods and for the conservation of the people of this realm in unity and peace, without rapine or spoil, was and yet is administered, adjudged, and executed by sundry judges and administers of the other part of the said body politic called the temporalty, and both their authority and jurisdictions do conjoin together in the due administration of justice, the one to help the other.

29. And then, after setting out the efforts, from time to time made, to keep the spiritual and temporal jurisdiction of the Crown free from the authority and annoyance of the see of Rome and all other foreign potentates, but yet, in spite of these endeavours, appeals in testamentary and matrimonial causes, suits for divorce, suits for tithes, oblations, and

obventions had yet been made and gone to Rome, it was enacted by the Lords spiritual and temporal and the Commons,[45] with the assent of the king, that in all such suits the knowledge whereof, "by the goodness of the princes of this realm, and by the laws and customs of the same appertaineth to the spiritual jurisdiction of this realm" as were begun or might hereafter be, should be thenceforth judged and determined in the king's spiritual or temporal courts according as the cases required and the jurisdiction was.

30. And to prevent the expense and delay of appeals in "the causes aforesaid," they were thenceforth to be made from the archdeacon to the bishop, or if begun before the bishop, the appeal was to be within fifteen days after judgment to the archbishop of the province, there to be finally adjudged without further appeal.

But if the cause were begun in the archbishop's court, whether of his archdeacon or commissary, then the appeal was to be to the arches, and thence, within fifteen days after judgment, to the archbishop himself, and then determined finally without further appeal.[46]

Suits commenced before an archbishop were to be determined by him without any further appeal.

And, in any of the aforesaid causes, should any of them touch the king, the party grieved might appeal from any of the said courts of the realm, to the Upper House of Convocation of the province where the suit began, within fifteen days after judgment; the sentence of Convocation to be final.

The penalty of disobedience to the provisions of the Act to be the forfeiture of præmunire.[47]

This Act, upon which so much stress is now laid, was, however, much altered and extended by the act of the next year on the same subject.

[45] The Lords spiritual and temporal with the Commons are "the three Estates of the Realm." The old archbishoprics and bishoprics were of the King's foundation, and held of the king *per baroniam*; so also were many of the priories, and the peerage is by reason of the barony. Steph. Eccl. Stat. pp. 237, 370, 661; Godolph. p. 35; 2 Inst. p. 3; 1 Salk. 134.

[46] § 3. [47] § 4.

31. On August 22nd Archbishop Warham died, but not before the work of the Reformation was practically accomplished, and the foundations broadly and firmly laid. His successor had only to complete what he had begun and to build thereon.

32. A.D. 153[illegible]. The Convocation of Canterbury met on the 26th of March by continuation. As Cranmer was not consecrated till March 30th, the Bishop of London appears to have presided.[48]

On March 28th, in the Upper House, the judgments given by five of the foreign universities consulted by the king on the question "whether it was lawful for a man to marry his brother's widow" were read, and the marriage was unanimously held illegal.[49] And the Lower House, on April 2nd, by a majority, determined that it was "unlawful to marry a deceased brother's wife," and that the Pope could not dispense with a Divine prohibition.[50]

And the same determination was come to, with only two dissentients, by the Convocation of the province of York on May 13th.[51]

Both the universities of Oxford and Cambridge concurred.

The judgment and opinion of the English Church was thus solemnly given and recorded against the legality of a marriage with a brother's widow. It was held to be as unlawful then as it has been ever since and is now.

33. On May 23rd, the matter being thus concluded by the decision of the "spiritualty," Cranmer gave final sentence in accordance therewith, and a cause which had been six years under litigation was concluded at last.[52] It was only

[48] In case of vacancy of the primatial see, the Dean and Chapter of Canterbury, on petition to the king, obtain a writ, whereby the spiritual and ecclesiastical jurisdiction of the see and the right of presiding in convocation is vested in them. Calendar of State Papers, Dom. 1663, p. 165; Dom. St. Pap. Vol. 75, No. 32.

[49] Wilkins, Conc. III. 756.

[50] Wilkins, Conc. III. 756.

[51] Wilkins, Conc. III. 757, 767, 8; Collier, Eccl. Hist. IV. 208—212.

[52] The sentence is given in Wilkins, Conc. III. 759. That of the Pope pro-

after and upon the opinion and sentence of the "spiritualty" that the Act "concerning the king's succession" confirming the divorce was passed.[53]

34. The first statute of importance was the "Act for the submission of the clergy and the restraint of appeals."[54]

This Act recited the submission already made by both Convocations, and provided, according to the said submission and petition of the said clergy, that

they nor any of them from henceforth shall presume to attempt, allege, claim, or put in use any constitutions or ordinances provincial or synodal, or any other canons, nor shall enact, promulge, or execute any such canons, constitutions, or ordinances provincial, by whatsoever name or names they may be called in their convocations in time coming, which always shall be assembled by authority of the king's writ, unless the same clergy may have the king's most royal assent and licence to make, promulge, and execute such canons, constitutions, and ordinances provincial or synodal.[55]

Provision was then made for revision by a committee of thirty-two laymen and clergymen, who were to view, search, and examine the said canons, constitutions, and ordinances provincial and synodal heretofore made, and such as were thought worthy were to be continued, kept, obeyed, and executed, the king's royal assent under his great seal being first given, the residue to be void and never put in execution within the realm.[56] But

no canons, constitutions, or ordinances shall be made or put in

nouncing it valid is dated March 23rd, 1534. Lingard endeavours to shew that "the judgment given by Clement could not be the cause of the final separation" from the Papal Communion, for that the die was already cast, and the king had made up his mind long before. Hist. Eng. v. p. 10, note 2; Acta Regia, p. 406.

In December, 1533, the matter of the supremacy was debated in the Privy Council. Strype, Eccl. Mem. I. 151.

It is well to remember that at this time the historical year began January 1st, and the legal or civil year on March 25th. In 1751 this was altered, the Act taking effect September 3rd, 1752. See 24 Geo. II. c. 23, and 25 Geo. II. c. 30.

[53] 25 Hen. VIII. c. 22.

[54] 25 Hen. VIII. c. 19.

[55] § 1.

[56] § 2.

execution within this realm by authority of the Convocation of the clergy, which shall be contrariant or repugnant to the king's prerogative royal, or the customs, laws, or statutes of the realm.[57]

Appeals from the archbishop's court, and from places exempt, were to be made to the king in Chancery, and then and thereupon a commission was to issue to such persons as the king named to hear and definitely determine such appeals, and no appeals were to be made to Rome, but all to the courts of the realm.[58]

And with respect to the old canons, it was provided

that such canons, constitutions, ordinances, and synodals provincial, being already made, which be not contrariant or repugnant to the laws, statutes, and customs of this realm, nor to the damage or hurt of the king's prerogative royal, shall now still be used and executed as they were afore the making of this Act till such time as they be viewed, searched, or determined by the said two and thirty persons.[59]

35. The effect of this last Act upon the previous statute in restraint of appeals was to extend the provision prohibiting appeals to Rome, in the five cases of marriage and divorce, tithes, oblations, and obventions, to all manner and kind of ecclesiastical appeals whatsoever; and to provide for all cases a further appeal from the archbishop to the king, and so to the commissioners, or "delegates" as they were termed, appointed by the king under the great seal.[60]

And as to canons, the legislation went further than the submission, for by that the clergy were restrained only from enacting, using, promulgating, or executing any *new* canon or constitution provincial, or other *new* ordinance provincial or synodal, but now they were generally not to "presume to attempt, allege, claim, or put in use *any* constitutions or ordinances provincial or synodal, or *any other canons*"; and as to *new* canons, they were for the future not to "enact, promulge, or execute any such canons, constitutions, or ordinances provincial, by whatsoever name or names they

[57] § 3.
[58] § 4.
[59] § 7.
[60] See App. G.

may be called, in their convocations in time coming" without the convocations being summoned by the king's writ and the royal licence and assent being given to make, promulge, and execute canons, constitutions, and ordinances provincial or synodal.

And then, all the foregoing notwithstanding, no canons, constitutions, or ordinances can be at any time made or put in execution by authority of Convocation, if they are contrary or repugnant to the king's prerogative, or the laws, customs, or statutes of the realm.[61]

36. The important Acts of 25 Hen. VIII. c. 20, 21, 22 followed in this year, but they relate to matters not altogether within the scope of this work, however much, as Burnet drily remarks, they may have been "to the very great ease of the subject."

Practically and in fact the king had now, by the consent of the clergy themselves, again become the supreme head and governor of the Church of England, parliament merely giving, as we have seen, statutory effect to the "Law of the Church," and making it the "Law of the Church and Realm."

37. The 25 Hen. VIII. c. 14, entitled an Act for the Punishment of Heresy, was also an important enactment, for it abolished the whole body of the papal or foreign canon law, by providing that

> no manner of speaking, doing, communication, or holding against any spiritual laws, made by authority of the see of Rome, by the policy of men, which be repugnant or contrary to the laws and statutes of this realm or the king's prerogative royal, shall be deemed, reputed, accepted, or taken for heresy. Nor that any subject or resident of this realm shall be for any such speaking, doing, communication, or holding, impeached, vexed, or troubled for any point or matter of the said detestable crime of heresy.

No review of the old provincial constitutions and canons was ever made. The king perhaps never intended one, preferring to leave the decision of any questions that might arise to the judgment of the temporal courts.

[61] Canons 89 and 91 are of doubtful validity. See App. H.

Owing to the Pope having induced the Archbishops of Canterbury to act as his legates,[62] many of the provincial constitutions were illegal from the beginning, and were swept away with all the other papal enactments. All such synods were not national and anglican but alien and papal, and their decrees were thus *ab initio* void, and not merely, as some now think, obsolete.[63] The canons of Boniface in 1258 are

[62] There are three kinds of Legates,—*a latere, nati, dati.* The first were sent from the Pope's own presence; the second were legates *ex officio;* the third were specially deputed. Lyndw. Const. Leg. p. 4. n. l.

The first mention of papal legates in England is in A.D. 679. Johnson, 679, 9. Two papal legates are said to have been present at the Council of Chelsea in A.D. 785, and Johnson says, "it were to be wished they had been the last." They came with a set of canons ready cut and dried. Some are curious. Priests were not to celebrate with naked legs, the people were to offer bread, and not crusts, for the Eucharist, the decrees of the first six Councils and of the Popes were to be observed, no novelties were to be introduced, and horseflesh was forbidden. Johnson, 785, 4, 10, 19; Conc. Had. and Stubbs, III. 134, 447; Wilk. Conc. I. 46, 145.

They appear again at the council called and presided over by William I. in 1070, when Stigand was deposed, Wilk. I. 322; and at intervals, up to A.D. 1125—6, when John de Crema, the prelate rendered famous, or infamous, by Bernard of Clairvaux, held a council at Westminster. Bernardi, Op. p. 1623. Johnson, 1126.

Upon the king sending the Primate to Rome to protest against the usurpation, the Pope prevailed on him to take the office, and by a bull, dated January, 1127, constituted him legate for England and Scotland. Wilk. I. 409. From this time we may date the loss of the Supremacy by the crown, and of independence by the English Church. The legatine power involved the loss too of metropolitan rights.

Finally, and at a feast, in the reign of King John, the papal legate took the king's own chair, the king being on his right and the Archbishop of York on his left, non sine multorum obliquentibus oculis, says the chronicler. Dav. Rep. fo. 95, 6. It is little wonder that legates, like cardinals, were never popular in England. By becoming legates and cardinals they ceased to be Englishmen, and were aliens in fact. So strongly was this felt in England, that it was the rule that if any Englishman were created a cardinal, he became *ipso facto* disqualified from being a member of the King's Council. Steph. Eccl. Stat. p. 60, n. 1; and see the Cardinal's Oath, Constitut. Apost. Pref.

But it is clear that, as Blackstone says, the civil and the canon law, with the practice of appeals to Rome, came in during the reign of King Stephen. Vacarius taught the civil law at Oxford soon after 1144, and Gratian published his Decretum about the same time. Godolph. p. 129; Dav. Rep. fo. 70; Keilway, Rep. fo. 184; Steph. Eccl. Stat. p. 143, n. 1; Fortescue, de Laud. c. 33.

[63] See Aylyffe, Parerg. XXXII.; Johnson, 1261; Wilk. Conc. I. 746. Acts are supposed to be obsolete, when they are gone out of use, and are not *in viridi*

an example of the arrogance that characterised the ecclesiastical laws in ante-Reformation times.

We may also briefly notice the 25 Hen. VIII. c. 21, § 20, which provides that none resident in the king's dominions "shall from henceforth depart out of them for any visitation, congregation, or assembly for religion." By this clause the attendance of English bishops at general or other councils held out of England became unlawful.[61]

38. A.D. 1534. On the 31st of March, the question was debated in the Convocation of Canterbury, "whether the Pope of Rome has any greater jurisdiction given him in Holy Scripture by God in this kingdom of England than any other foreign bishop?" The registers are not extant, but we know that the sense of the lower house was carried up to the upper, by thirty-four to four, in the negative. Soon after, Cranmer struck out of his title the words *Apostolicae Sedis*

observantiâ; but, unlike the common law, they do not alter by time nor cease to be in force because not enforced. Yet there are two cases in which a law may exist, unrepealed as to the letter, and yet not be in force. These are when either the reason or subject-matter has ceased to exist. In the one case *cessante ratione cessat ipsa lex;* in the other, when the destruction of the subject-matter, from whatever cause, whether by the operation of law or of time, leaves nothing for the law to grasp and to act on, or if part only be destroyed, then the law operates only on what is left. If, for instance, an act were passed in 1559, doing away with the existing uniform and equipment of the army, but providing that such and so much should be retained and used as had been worn or used by authority in 1548, until other order should be taken as prescribed, and soon after orders were issued, by the competent and lawful authority, for the calling in and destruction of part of the uniform and equipment, what was left being judged meet and sufficient for all purposes, then one part of the subject-matter being for ever gone and taken away, the law would have so much the less left to act upon; and the same result would follow from the destruction by process of time, for there being no proviso or direction for renewal, the act would exist henceforth, as to the part used up, taken away or gone, only in the letter, and would apply to, and be taken to authorise, only what was left. "Where the subject is destroyed, the adjunct drops of course." Ruffhead, Stat. I. p. xxiii. n.

[61] England, it is said, used to send four bishops to the General Councils, and hence the reception of their canons. Wilson, Rep. II. 186, quoting Selden's notes to Drayton's Polyolbion. Bishops, too, were bound by their oath of allegiance to the Pope to visit Rome, "*Apostolorum limina*," once every year. The oath was then, as it is now, wholly incompatible with loyalty to the State. Pontif. Rom. 24 b, Venice, 1561; p. 51, Rome, 1869.

Legatus, and inserted *Metropolitanus*, affirming and denoting thereby the regained independence of the Church.

On the 5th of May, the members of the Convocation of York gave an unanimous vote, negativing the same proposition, and a document to that effect was drawn up and signed by Archbishop Lee.[65]

39. The renunciation of the Pope's authority soon became general amongst the clergy, and nothing remained but to obtain the sanction of the state. This was done, as it would seem, in November, by the Act 26 Hen. VIII. c. 1, which, after reciting that[66]

> the king's majesty justly and rightfully is, and ought to be, the supreme head of the Church of England, and so is recognised by the clergy of this realm in their convocations,
>
> enacted, with the consent of the lord's spiritual present,
>
> that the king, his heirs and successors, kings of this realm, shall be taken, accepted, and reputed the only supreme head on earth of the Church of England, called Anglicana Ecclesia; and shall have and enjoy, annexed and united to the imperial crown of this realm, as well the title and style thereof, as all honours, dignities, pre-eminences, jurisdictions, privileges, authorities, immunities, profits, and commodities to the said dignity of supreme head of the same church

[65] Wilk. Conc. III. 769, 782; and see the king's letter, to the province of York, on the supremacy, and his proclamation for the abolition of the Pope's power, as well as the letter for the observation of the reformed ecclesiastical laws. Id. pp. 762, 772, 779; Burnet, Hist. Ref. III. App. p. 41.

It is noteworthy that the papal judgment, affirming the validity of the king's marriage with Catharine, was given at Rome on March 23rd, 1534, or a year after the decision of the English Church against it, and a week before the rejection of the papal supremacy and jurisdiction by convocation, which could not have then heard of the sentence passed at Rome. Wilk. Conc. III. 769; Lingard, Hist. Eng. V. 10, n. 2; Steph. Eccl. Stat. p. 177, n. 2.

[66] By their declarations, says Collier, convocation "clearly denied all divine right to a supremacy and cut off his claim from St. Peter." Eccl. Hist. IV. 263, 4. The submission of the Dean and Chapter of St. Paul's is especially ample and full, and an excellent model for their successors. Some seventy-eight canons and officials signed it. Wilk. Conc. III. 724. This Act and the 35 Hen. VIII. c. 3, are marked in the Index of the Revised Edition of the Statutes as repealed by 1 & 2 P. & M. c. 8, § 4 and 1 Eliz. c. 1, § 4, but it is an oversight. See 1 Eliz. c. 1, § 8, Rev. ed.; 4 Inst. 325; Dyer, 98; Comyn. Dig. VI. 41.

belonging and appertaining; and that our said sovereign lord, his heirs and successors, kings of this realm, shall have full power and authority from time to time to visit, repress, redress, reform, order, correct, restrain, and amend all such *errors*, *heresies*, abuses, offences, contempts, and enormities, whatsoever they be, which by any manner of *spiritual* authority or jurisdiction ought, or may lawfully be reformed, repressed, ordered, redressed, corrected, restrained, or amended, most to the pleasure of Almighty God, and increase of virtue in Christ's religion, and for the conservation of the peace, unity, and tranquillity of this realm; any usage, custom, foreign laws, foreign authority, prescription, or any other thing or things to the contrary hereof notwithstanding.

This clause, Collier remarks, "declares the king Supreme Ordinary, makes his majesty, and by consequence those commissioned by him, judges of heresy, and puts the ecclesiastical discipline into their hands."

40. Thus, by the formal, deliberate, and authoritative acts of the English Church, afterwards confirmed by parliament, was the papal supremacy for ever abolished, the independence of the Church regained, and the supremacy of the crown, that is, of the state, restored.

By this last act all such authority as the Pope had, or claimed to have, was for ever annexed to the crown. Both the ecclesiastical and temporal jurisdictions had been, indeed, always *de jure* in the crown, though the one was for the time usurped by the see of Rome. Now they were again united, and the ecclesiastical court, which, during the time of the papal usurpation, was said to be *aliud forum a foro regio*, and the proceedings therein to be *contra coronam et dignitatem regiam*, and not a king's court at all, by reason that the cause was drawn into *aliud examen* than it ought to be, became the king's court again, administering the king's and the realm's ecclesiastical laws.[67]

[67] Articuli cleri, 2 Inst. pp. 601, 2. Mr. Allies writes, "The change did not touch anything which belonged to the mere power of order; nevertheless, the supremacy thus transferred from the Pope to the sovereign was the full Papal Supremacy; for that in which the Pope differs from any other priest or bishop is not a power of order, but a power of jurisdiction.

"The Royal Supremacy did not assume to itself anything that belongs *strictly*

41. The final appeal in all questions, both of doctrine and discipline, now again lay to the crown. All offences which by any manner of *spiritual* authority or jurisdiction could be reformed or corrected, were subject thenceforth to its exclusive authority and jurisdiction, and so, the reign of Queen Mary excepted, it has continued unto this day.[68]

The king lost no time in exercising his authority and in enforcing obedience. The proclamation to the sheriffs for the abolition of the usurped power of the Pope, reciting the supremacy, authority and jurisdiction of the crown, recognised both by the Church and the Realm, directed the rasure of the Pope's name "out of all prayers, orasons, rubrics, canons of mass books, and all other books in the churches," and ordered the sheriffs to see that the bishops did their duty, and to report to the king and council any default or disobedience.[69]

This was followed by another for the bringing in of seditious books, and establishing a censorship of the press, for prohibiting the printing or publishing of the Scripture in English, banishing anabaptists and sacramentaries, maintaining transubstantiation, directing the keeping of certain ceremonies, and forbidding the marriage of priests.[70]

A third set out the fact of the abrogation of the Bishop of Rome's laws and decrees, and required strict and prompt obedience to the king's.[71] A form of bidding prayers was also set forth by the king's authority.[72]

to the power of order, and this is the value of Queen Elizabeth's disclaimer in her injunctions, and of those in the thirty-seventh Article."

"The authority and pre-eminence annexed to the crown belonged to the power of jurisdiction and not to the power of order." For the crown has never claimed the "authority and power of ministry of divine service in the Church," nor of settling doctrine, nor of framing a Form of Common Prayer, and the such like. But it maintains order, enforces obedience, and where disputes arise as to the interpretation of formularies, it does by its ecclesiastical judges decide as to their meaning. See, The Royal Supremacy, by T. W. Allies, pp. 12, 18, 8.

[68] See App. I.

[69] Wilk. Conc. III. p. 772; and see Halliwell's Letters of the Kings of England, I. p. 341, for a letter to the judges.

[70] Id. p. 776.

[71] Id. p. 780.

[72] Id. p. 789.

42. This year, too, came forth the famous book *De vera differentia Regiae potestatis et Ecclesiasticae.* It was written by Fox, Bishop of Hereford, and printed by the advice of Convocation. Bishop Horn followed it up by another, entitled *De potestate Regis*, and Bishop Gardiner, in his treatise *De Verâ Obedientiâ*, justified both the divorce and the supremacy. To the second edition, which came out in 1536, Bonner, then Archdeacon of Leicester, added a preface, in which he called the Pope a wolf in sheep's clothing;[73] other papal writers and historians had taken the same view.

[73] Strype, Ecc. Mem. I. 150, 171.

Gardiner said of the divorce, Inter haec autem, cum illud de non ducenda uxore fratris praeceptum contineatur, quid aliud debuit, aut potuit serenissimi Regis Angliae Majestas facere, quam quod summo populi consensu, suaeque ecclesiae judicio fecit? ut ab illicitis divulsa foederibus, licita, permissaque copula frueretur, et Dei praecepto (ut par fuit), obtemperans, relicta, quam nec jus, nec fas retinere permisit, casto, legitimoque matrimonio indulgeret?

And dealing with the Supremacy, he adds, Melius est enim Deo obedire, quam hominibus . . . Num juri Divino universi populi anglicani consensus innitatur, quo invictissimum et potentissimum Principem HENRICUM octavum Angliae et Franciae regem, fidei defensorem, et Dominum Hiberniae, summum in terris caput Ecclesiae Anglicanae celebrat et veneratur, eidemque in publicis comitiis liberis suffragiis autor fuerit, ut suo jure uteretur, seque Ecclesiae Anglicanae caput non minus nomine quam reipsa profiteretur.

And Bonner wrote, Caput controversiae illius uberius intelligant, ac non ignorent etiam cujusmodi sit optimorum et doctissimorum Episcoporum, Procerum item, et totius Populi Anglicani, non in illâ causâ matrimoniali solum, sed in asserendâ quoque Evangelicâ doctrinâ concentus et approbatio.

And speaking of the Pope, he adds, Postremo de ementito hactenus Romani Episcopi primatu in Regno Angliae justissime abrogato, et quatenus Episcopi reliqui, ei in functione pares et in suis provinciis aliousque etiam superiores, juramento olim illi praestito obligentur. Illud autem tibi sit persuasissimum, optime lector, Episcopum Romanum, si nihil praeter hoc matrimonium esset, facillime quieturum, praesertim unâ aut alterâ objectâ offâ. Sed quum tantum Principem, ut optimum ita etiam longe doctissimum, tam sincere et ex animo Christi Evangelio favere videat, denique sentiat annuam, eamque optimam praedam, talem, inquam, quae proventus regios ferè aequabat, ex manibus sibi ereptam esse, nec licere amplius in ipsius Regiae Majestatis Regno Tyrannidem (olim heu nimirum truculentam et acerbam) exercere; denique multa in divinae majestatis offensam et contumeliam statuere quod ipsum olim sub titulo *Ecclesiae Catholicae*, ac apostolorum Petri et Pauli auctoritate, interim etiam dum Lupus rapax ovis vestimento palliatus servorum servum se appellabat magno Reipublicae Christianae damno, fecisse constat; hinc lacrymas ortas esse dicas; hinc iras istas esse et fremitus, ac tantam excitatam Tragaediam. Fascicul., Rer. II. pp. 805, 6, 800.

More important than all, however, was the petition of Convocation to the king for the translation of the Bible into the vulgar tongue.[74] The proposal met with a strong opposition, both in Convocation and at Court, but the favourers of the project alleged that

nothing would more effectually extirpate the Pope's authority, and discover the impostures of the monks, than the Bible in English; in which all people would clearly discern that there was no foundation for those things,

and so after some delay and difficulty, the royal consent was obtained.

43. A.D. 1535. For their rejection of the Supremacy, Sir T. More and Fisher, Bishop of Rochester, were executed, preferring death to the surrender of their honest and conscientious, but mistaken opinions. Both had been in high repute with the king, and were men of learning and eminent probity. No very gentle or tolerant adversaries of Lutherans and Lollards, they had to suffer, in their own persons, the same hard measure they had in times past meted out to others.

But all the other bishops and dignitaries appear to have voluntarily accepted the Supremacy and taken the prescribed oath, renouncing all manner of allegiance and obedience to the Pope and acknowledging the Supremacy of the king.[75]

Bonner's remarks on the question of the divorce are historically correct, as the very curious bull of Clement VII., issued in 1528, and whilst Lautrec was marching to Naples, proves. It gave authority to Wolsey, jointly with Warham or any other bishop to decide on the question of the divorce, and grant the king and queen a licence to marry again. Acta Regia, p. 400; Bull, Rom. x. p. 56; Rymer, XIV. 237.

[74] Wilk. Conc. III. 776. The translation of the Bible, and the placing a copy in every church for all to read and judge for themselves, distinguishes the English Reformation from the anti-papal revolt on the continent at the present time. In the one case the false was replaced by the true, and the darkness was dispelled by the light. In the other, men have found out the wrong, but cannot discover the true. The no faith of materialism has merely taken the place of the cast-off superstitions of Rome.

[75] Coll. Ecc. Hist. IV. 268; Burnet, Hist. of Ref. I. p. 136; Strype, Eccl. Mem. I. 201. More wrote his own epitaph thus: "Furibus autem et homicidis, haereticisque molestus." The haereticisque is, however, in blank.

Since the year 1213, the kingdom of England had been looked upon at Rome as a fief, and its king as a vassal, of the Holy See;[76] and a very profitable seignory it turned out to be, and much appreciated in a city where, as we learn from a Roman poet, the worship of Mars, Venus, and Mammon were the chief, and most approved, cults of the time.[77]

44. But whilst the English Church and people favoured the rejection of the Roman claims, the monks, who formed the papal garrison, or army of occupation, and for the most part loyally adhered to their standards, were violent and intractable. They continually raved against the king, and charged him with being the author of all that was done against the Pope. The Franciscans especially were notably averse both to the divorce and the Supremacy. One of them, named Peto, when preaching before the king, told him that he had been deceived by lying prophets, and that Ahab's fate would be his. The excuse for this rudeness was probably

[76] In an ancient un-dated Provinciale Romanum in my possession, the kings of England, Arragon, Sardinia, Hungary, Bohemia, Jerusalem, and Sicily are put down as feudatarii Ecclesiae Romanae. See M. Paris, pp. 163, 5, 172; Roger of Wendover, II. pp. 265, 8, 270, 290; Ep. of Innocent III. by Baluze. Lib. XVI. Ep. 76—83, Vol. II. pp. 785—9, and pp. 809—13, 827; 4 Inst. 13; Collier, Eccl. Hist. III. 127.

[77] The poet Mantua (of whom Bellarmine says, Poeta fuit doctus, et pius. De Scrip. Eccl. p. 404), deals with the subject in his poem, De suorum temporum calamitatibus. In the third book he writes,

Venalia nobis
Templa, sacerdotes, altaria, sacra, coronae,
Ignes, thura, preces, caelum est venale, Deusque.
Sixte pater fidei cŭstos, oviumque magister,
Quas bonus effuso moriens in sanguine pastor
Abluit, aetatis damnosa licentia nostrae . . .

My edition is unpaged, and dated 1515. Mantua was General of the Carmelites.

Taking all the spoil into account, the Pope is believed to have drawn yearly from England, in 1244, a sum that would now be equal to a million sterling. In the thirteenth century some one-third of the cultivated lands were held in mortmain by the Church; and the accumulated wealth of the regulars, or monks, was a, if not the, fruitful cause of the pauperism they professed to relieve. Hallam, Const. Hist. I. p. 80.

that given in another case, that it was, not the friar, but the Holy Ghost that spake in him.[78]

45. The hostility of the monks, their special dependence on the Pope, and their readiness to support his claims, helped to bring about the dissolution of the monasteries.[79] A general visitation was resolved upon, and Cromwell was appointed the king's vicegerent, vicar-general, official principal, and special and principal commissary, with authority to visit, both in the head and members, and whether full or vacant, when, and as often as might seem fit to him, all and every metropolitan, cathedral, and collegiate churches, and all hospitals, monasteries, and nunneries, and all other ecclesiastical places within the realm, with power to correct, punish, and reform all offenders by suspension, sequestration, and deprivation. The very ample terms of the commission amounted to a delegation of the king's ecclesiastical authority.[80] A previous, as it would seem, commission had already empowered Cromwell and others named therein to enquire into the clerical and monastic revenues. General instructions and injunctions for the visitation of the monasteries were also issued. A king's letter to the metropolitan, dated September 18th, inhibited all other visitations whilst the king's was proceeding.[81]

46. Letters were, however, sent by the king and Cromwell, to reassure the monks, signifying to them that, using themselves "like his good and faithful subjects, his grace would not in anywise interrupt them" in their state and kind of living, and that his majesty intended not to devise the suppression of any religious house that standeth, except they shall either desire of themselves with one whole consent to resign or forsake the same, or else misuse themselves contrary to their

[78] Strype, Eccl. Mem. I. pp. 167, 8, 194—200; Acta Regia, p. 408; Burnet, Hist. Ref. I. p. 135, 7. Peto was afterwards confessor to Queen Mary, and appointed Legate in the place of Cardinal Pole.

[79] Collier, IV. 288; Strype, Eccl. Mem. I. 208; Acta Regia, p. 408.

[80] Wilk. Conc. III. 784; Collier, Eccl. Hist. IV. 291, IX. 118, 119.

[81] Wilk. Conc. III. 786—791, 797.

allegiance."[82] Cromwell's letter was dated the 5th of August. The events of the next month fatally complicated matters, and changed the position of all parties.

47. Whatever doubts or difficulties the king may have felt, or whatever scruples he may have had as to the course to be taken with regard to the monks, must have been removed by the bull of September, in and by which the Pope, according to the saying in Jeremiah, and in default of speedy repentance, excommunicated his rebellious vassal and his adherents, accomplices, favourers, and abettors, placed the kingdom under an interdict, released his subjects from their allegiance, deprived him of his crown, and, in case of death, of Christian burial. And although the publication of the bull was deferred for awhile, owing to the mislike the princes of christendom had to the experiment, the immediate effect was the same.

It was, in fact, a declaration of war between Rome and England, and of war to the knife. There was no *via media*, no terms of accommodation possible; the choice lay between resistance or submission. With a king of Henry's ability and temper, there could be no doubt or hesitation, for it was not a mere personal but a national quarrel, in which the independence of the State and the English Church, as well as the liberties of the people, were involved and at stake. Duty, and perhaps inclination, pointed out the way.

48. Secure of both seculars and people, the king replied by seizing the monasteries, whilst, by pensioning the monks, and so making them dependent on the State, he both prevented all serious opposition and secured their neutrality if not their loyal support.

49. A.D. 1536. On February 4th, parliament, after a prorogation of fourteen months, re-assembled, and passed the 27 Hen. 8, c. 28, suppressing all monasteries having £200 a year.

The records appear to be lost, but we are told that the

[82] Strype, Eccl. Mem. I. App. 143, No. 56; and see "Letters relating to the Suppression." Camden Society.

report of the visitors was read, setting out the manifold abuses of the system, and the vicious living of the religious, and thereupon the act was passed for the suppression, and giving all the estates and chattels to the king.[83]

About this time, too, the two aliens and Italians, Campeggio and Ghinucci, who held the bishoprics of Salisbury and Worcester, were turned out, and Englishmen, Shaxton and Latimer, appointed in their stead.[84]

50. Parliament, which had sat for six years, was dissolved on April 4th. On June 8th a new parliament assembled, and on June 9th Convocation met at St. Paul's.[85]

On June 16th Cromwell claimed, through Dr. Petre, the right of presiding in the synod, and the claim was admitted by Convocation, without cavil or dispute.[86]

[83] The king, as Sir H. Spelman points out, took the ecclesiastical property and held it in as large and ample a manner as the monks; the owner, and not the nature, of the property only being changed. On Tithes. Works, p. 139.

[84] One of the many great evils before the Reformation was the non-residence of both bishops and clergy. Bishoprics and benefices were held in many cases by foreigners, who drew the pay but never did the duty. The monks, too, were gorged with endowments of the kind, one-third of the best benefices of England being appropriated and the work done by half-starved vicars, whose very low and scanty remuneration was on a par with their moral and intellectual condition; and to add to the evil, the monastic bodies were mostly exempt from episcopal jurisdiction and supervision, weak and ineffective for all good as it was. The result was that, as Bellarmine wrote, "there was," years before Luther's time, "an almost entire abandonment of equity in the ecclesiastical judgments, in morals no discipline, in sacred literature no learning, in divine things no reverence, and religion was almost extinct." Concio 27, Op. VI. 296, Ed. 1617. When Archbishop Langham made enquiries in his province, he found that in 1368 there were clerks, mostly Italians, who, by the aid and by means of papal dispensations and provisions, each held some twenty benefices, with power to hold as many more as they could get. Collier, III. 128. Edward III., in 1374, issued a commission of enquiry, and sent an embassy to the Pope to implore him to cease from granting provisions, but it was in vain. Collier, III. 132. Bishop Gibson gives a list of pluralists, taken from Archbishop Winchelsea's register, who held from four to twenty-three livings apiece. Codex. p. 946; Acta Regia, p. 409.

[85] Wilk. Conc. III. 803; Coll. Eccl. Hist. IV. 336.

[86] Eodem tempore mag. Will. Petre allegavit, quod quia rex supremum est caput Ecclesiae Anglicanae, ideo supremus est locus in synodo attribuendus esset, quem Thomas Cromwell, vicarius generalis ad causas ecclesiasticas ejus vices gerens, occupare deberet; ideo petiit praedictum locum sibi tanquam procuratori

On June 21st Cranmer, in the presence of Cromwell, who presided, introduced the definitive sentence of the divorce between the king and Anne Boleyn, and it received the unanimous and "express approval" of both houses.[87]

On June 23rd Mr. Gwent, the prolocutor, brought to the upper house a book of false doctrines, alleged to be publicly preached, in order that steps might be taken in the matter. It was headed by a protestation of the lower house, which ran thus:[88]

In very humble and reverend manner, with protestation that we, the clergy of the lower house, in the province of Canterbury, neither in word, deed, or otherwise, directly or indirectly intend anything to speak, attempt, or do, which in any manner of wise may be displeasant unto the king's highness, our most dread sovereign, lord, and supreme head of the Church of England; but in all things according to the command of God to be most obedient to his grace, to whom accordingly we submit ourselves, minding in no wise, by any colourable fashion, to recognise privily or apertly the Bishop of Rome, or his usurped authority, or in anywise to bring in, defend, or maintain the same into this noble realm or the dominions of the same; but that the same Bishop of Rome, with his usurped authority, utterly for ever, with his intentions, rites, abuses, ordinances, and fashions, to be renounced, forsaken, extinguished, and abolished; and that we sincerely addict ourselves to Almighty God and His laws, and to our sovereign lord the king, our supreme head in earth, and his laws, statutes, provisions, and ordinances, made here within his grace's realm.

domini Cromwell assignari. Quod et factum est. Wilk. Conc. III. 803. Mr. Joyce, in his useful work on Synods, calls it "a flourish of usurped power," and adds, "some wild and unfounded fancies upon this subject, with a view to the introduction of laymen with votes decisive into synods, have of late years, indeed, been broached," a result much, he thinks, to be deprecated, as likely to subvert "the principles of the English Constitution," pp. 381, 2; Strype, Eccl. Mem. I. p. 245.

[87] Wilk. Conc. III. 803. Collier says erroneously that Cromwell exhibited the divorce for signature. Mr. Joyce, too, errs as to the date. He makes the introduction of the sentence to have been by Cranmer on the 16th, adding, however, "that it was agreed to by both houses at once"; the seals, however, were not affixed till after. Wilk. Conc. 804.

[88] Wilk. Conc. III. 805; Collier, Eccl. Hist. IV. 336.

No further steps, however, appear to have been taken, and nothing came of the matter.

51. On July 11th, Fox, the Bishop of Hereford, brought in a draft book of ten "Articles of Faith," which was read over and subscribed first of all by Cromwell, and then by the fifty-eight members of the upper house and the forty-nine of the lower who were present. Nineteen bishops subscribed, two of them by proxy.[89]

These articles were said to be "devised by the king's highness' majesty, to stablish Christian quietness and unity amongst us, and to avoid contentious opinions; which articles be also approved by the consent and determination of the whole clergy of the realm," and were published with a preface by the king.[90]

In them the first step was taken towards the reformation of doctrine; "several of the most shocking doctrines of the Roman Communion were softened and explained to a more inoffensive sense, and several superstitious usages discharged."[91]

The Bible and the three Creeds—the Apostle's, the Nicene, and the Athanasian—were to be taught and believed as true and infallible; and all opinions contrary thereto, and to those condemned by the first four General Councils, "and all other since that time consonant to the same," were to be refused and condemned.

The ninth article dealt with "Rites and Ceremonies."[92] These were to be used and "continued as things good and laudable to put us in remembrance of those spiritual things that they do signify."

The "Rites and Ceremonies" referred to were vestments,

[89] Wilk. Conc. III. 803, 817.

[90] Formularies of Faith, pp. xiii.—xxxii.; Collier, Eccl. Hist. IV. 343—359.

[91] Id. IV. 359.

[92] See Formularies of Faith, pp. xvii., xxviii., xxx.

Sir R. Phillimore has thus accurately distinguished between and defined ritual and ceremonial: "There is a legal distinction between a rite and a ceremony; the former consisting in services expressed in words, the latter in gestures or acts preceding, accompanying, or following the utterance of those words." L.R. II. Ad. & Ec. p. 135, 6.

holy water, holy bread, candles on Candlemas day, ashes on Ash Wednesday, aspersion in Baptism, palms on Palm Sunday, creeping to and kissing the cross on Good Friday, setting up the sepulchre, hallowing the font, "and other like exorcisms and benedictions," and laudable customs.

And as for the censing of images and the kneeling and offering to them, the people were to be taught in no wise to do it, nor think it meet to be done to the images, but only to God and in His honour.

The doctrines treated of were penance, baptism, the Lord's Supper, justification, prayers to saints and saint-worship, and purgatory.

52. Copies of these articles were sent down and distributed amongst the clergy in the north, who were not well affected to the changes made, in order to convince them that "it was a proper act of the Church, and no innovation of the king and a few of his counsellors."

On July 12th a king's letter to the primate silenced all preachers until Michaelmas, the bishops, and preachers in Cathedrals appointed by them, only excepted. The letter also contained a form of bidding prayer.[93]

In the eighth session of Convocation, held July 19th, an agreement was come to by Cromwell and both houses respecting holy days. The act of Convocation recites that[94]

The number of holy days is so excessively grown, and yet daily more and more by men's devotion, yea, rather superstition, was like further to increase, that the same was and should be not only prejudicial to the common weal, by reason that it is occasion as well of much sloth and idleness, the very nourish of thieves, vagabonds, and of divers other unthriftiness, and inconveniences, as of decay of good mysteries and arts, utile and necessary for the common wealth, and loss of man's food many times, being clean destroyed through the superstitious observance of the said holy days, in not taking the opportunity of good and serene weather, offered upon the same in time of harvest, but also pernicious to the souls of many men, which being enticed by the licentious vacation and liberty of those holy

[93] Wilk. Conc. III. 807. [94] Id. III. 823.

days, do upon the same commonly use and practise more excess, riot, and superfluity than upon any other days; and since the sabbath day was ordained for man's use, and therefore ought to give place to the necessity and behoof of the same, whensoever that shall occur, much rather any other holiday institute by man. It is therefore, by the king's highness' authority, as supreme head on earth of the Church of England, with the common assent and consent of the prelates and clergy of this realm in convocation lawfully assembled and congregate, among other things, decreed, ordained, and established

that the feast of the dedication of churches be kept on the first Sunday in October, and the feast of the patron saint, called the Church holy day, be given up and made a working day; and all feasts and holy days in harvest time, reckoned from July 1st to September 29th, and in term time, to be also given up and made work days.[95]

[95] The vast number of holy days, on which it was not lawful to do any work, was a very serious evil. Instead, too, of being kept as holy days, they became holidays, and were spent in drinking, dicing, dancing, idleness, gluttony, and strife. The churches were scenes of riot and disorder, not to be described, and scarcely now-a-days to be credited. Archbishop Islip, by way of precision and retrenchment, set down in 1362 the saints' days to be observed in the province of Canterbury. They are forty-four in number, and are in addition to any other days ordered by the Ordinary. On these days all were to go to church and hear mass; neglect of this duty subjected the offender to ecclesiastical censure. The number of the greater holy days was afterwards largely increased. See Lyndw. De Feriis, pp. 99—104; Gibson, Cod. I. pp. 273—293; Collier III. p. 62; Johnson, Collect. 1328, 1, 2; 1362, 3, and Index, s. v. Feasts; Polyd. Verg. De Invent. Rev. VI. c. 7, 8, 9, pp. 323, 403. We owe the unreasonable delays of the Law Courts to the Canon Laws; our very Law Terms, taking "their original" therefrom, being in fact the very short time that "the Church and common necessity left undisposed of." Spelman, Original of the the Terms, p. 77. The shape and color of the Common Law judges' robes are ecclesiastical too. The colors varied with the festivals or seasons. Fortescue (*de Laudibus*) speaks of *green* as a favourite one. See the Gentleman's Mag. Oct. 1768. The observance of the feast of the patron saint, and of the dedication of the Church, was however a novelty. Many of the old churches and cathedrals in England were not consecrated even in the thirteenth century, and if dedicated at all, the name of the saint is mostly unknown. The correct and ancient designation of a church was by the name of the "parish" or "vill." The consecration of churchyards is a late affair. The papal legate remarked in 1236, "Multas invenimus ecclesias et aliquas cathedrales, quae licet fuerint ab antiquo constructa nondum tamen sunt sanctificationis oleo consecratae. Const. Othon. Lyndw. Const. Leg. p. 5, 6;

A king's letter to the bishops[96] notified the fact that he had,

by the assents and consents of all you the bishops, and other notable personages of the clergy of this our realm, and in full congregation and assembly had for that purpose, abrogated and abolished

the uncanonical and inconvenient holy days; and the king then commanded them in his name, to forthwith command all curates, religious houses and colleges, within their dioceses, not to mention the abolished holy days, but to pass them over as though gone out of use, and so abrogated, as in fact they were, by the king's "authority in convocation."

53. The Pope having proposed to call a General Council at Mantua, and fixed May 27, 1537, for its meeting, in order to be prepared for and guard against any censure of the late proceedings, convocation met and drew up a judgment, negativing the right of the Pope to call such a council without the express consent of those Christian princes who "had the whole, entire, and supreme government over all their subjects, without knowledging or recognising of any other supreme power or authority." It was signed on July 20th by Cromwell, the primate, fourteen bishops, and forty-nine members of the lower house.[97] This done, the synod was dissolved.

The Convocation of York appear to have met this year, and to have objected to the "Ten Articles" sent down to them. The changes made, although approved by the Archbishop of York and the Bishop of Durham, were not to their taste. They sent an answer, desiring the revival of the process against heresy, as it was in the days of Henry IV., objecting to the king's supremacy, the abolition of sanctuaries, the taking of the Church lands, and upholding papal dispensations and the Pope's supremacy, and maintaining that the

and see the constitutions of Othobon, Id. pp. 83, 4; Aylyffe, Par. 172, 3. In the Taxation of Pope Nicholas and the Valor Ecclesiasticus of Henry VIII. but few churches have saints' names, but are correctly and usually designated by the name of the parish. The cost of consecration may have been one reason for its neglect and disuse.

[96] Wilk. Conc. III. 824.

[97] Id. p. 809; Nat. Alex. Eccl. Hist. VIII. p. 41; Strype, Eccl. Mem. I. p. 245.

examination and correction of deadly sins belonged to the Church. They wished the "laws of the Church" to be still read in the universities, and for the liberation of all contumacious clerks who were in prison, and they approved of the primacy of Rome.[98]

The suspended bull of excommunication, added to the support expected from the rising in the north, and, as Strype says, displeasure at the annulling of the papal dispensations, may have had something to do with this sudden show of resistance.[99]

54. This year, Cromwell, as the king's vicegerent, issued two sets of injunctions.[100]

The first treated of the abolition of the Pope's, and the re-establishment of the king's, supremacy, of the articles devised and put forth by the king's authority, of the abrogation of holy days, of the extolling of images and other superstitious practices, and required the Lord's Prayer, the Articles of Faith, and the Ten Commandments to be taught and learnt by all; that service should be duly performed in each and every parish, and that priests should not haunt taverns and alehouses, or spend their time idly by day or night, playing cards or other unlawful games; and finally, "because the goods of the Church are called the goods of the poor; but nothing is less seen than the poor to be sustained with the same," beneficed men dispending twenty pounds yearly, were to give to the poor, in the presence of the churchwardens, the fourteenth part of the income of their benefice; those whose income amounted to one hundred a year, were to give competent exhibitions to scholars, either at the universities or grammar schools, and all parsons, vicars and clerks having churches or chapels were to properly repair them.

The second set of injunctions directed the setting up, at the joint cost of the parson and the parish, of the whole Bible of the largest volume in English in some convenient place in

[98] Wilk. Conc. III. 812; Strype, Eccl. Mem. I. App. p. 179.

[99] Id. I. p. 247.

[100] Wilk. Conc. III. 813—16.

each church, where the parishioners might commodiously resort to and read it; and all were to be exhorted and stirred up to do so, as being "the very lively word of God." The Creed and the Lord's Prayer were to be learnt by all before they came to "God's board."

A sermon was to be preached once every quarter of the year at least, in which the very gospel of Christ was to be purely and sincerely declared,

wandering to pilgrimages, offering of money, candles, or tapers, to images or relics, superstitious telling of beads and the such like, for which there was no scripture warrant, were to be discouraged.

Images, to which pilgrimages or offerings were made, were to be taken down, and the minister was to permit thenceforth

no candles, tapers, or images of wax to be set before any image or picture, but only the light that commonly goeth across the Church by the rood loft, the light before the sacrament of the altar, and the light about the sepulchre, which, for the adorning of the Church and the divine service,[101]

were to be suffered to remain; and the parishioners were to be told that images serve for no other purpose but as books for the unlearned.

No one was to preach without a license; a register of burials, marriages, and baptisms was to be kept in a box with two keys, to be provided by the parish, the one key to be kept by the minister, the other by the churchwardens. The king's injunctions were to be read over once a quarter, the service for the commemoration of Thomas à Becket, the knolling of the "Aves," and the singing of the "Ora pro nobis" were to be omitted.

55. Parliament, before its dissolution on April 4th, passed the 27 Hen. VIII. c. 28, whereby all monasteries and religious houses, whose income was not above a clear two hundred pounds a year, were dissolved and given to the king.

They to whom the king granted or leased any of the

[101] Id. p. 816. Only these three lights were thus lawful in this year; and they were merely for the adorning of the Church and for divine service.

monastic property, were to keep up the hospitality and to till the same quantity of land as the monks did. The rights of the founders and patrons were also saved and reserved.

On June 8th another parliament was summoned, and on July 18th was dissolved. The overtures, said to have been made by the Pope for a reconciliation, having been rejected, a bill was, on July 4th, brought into the Lords for the final "extinguishing the authority of the Bishop of Rome," and it soon after passed both houses. It recited,[102] that

> Forasmuch as notwithstanding the good and wholesome laws, ordinances, and statutes heretofore made, enacted and established by the king's highness our most gracious sovereign lord, and by the whole consent of his high court of parliament, for the extirpation, abolition, and extinguishment out of this realm and other his grace's dominions, seigniories, and countries, of the pretended power and usurped authority of the Bishop of Rome, by some called the Pope,

which was highly prejudicial to religion and government, and

> degraded the king, being the only supreme head of the realm of England under God, of the honor, right, and pre-eminence due to him by the law of God, and spoiled the people and the realm yearly of innumerable treasure, so that the lords spiritual and temporal, with the commons of the realm, overweary and fatigued with the experience of the infinite abominations and mischiefs, and the impostures and deceits, were forced for the public good to exclude the foreign pretended power, jurisdiction, and authority of the usurper, but notwithstanding the laws made therefore, seditious persons, "imps of the said Bishop of Rome and his see, and in heart members of his pretended monarchy," still privately upheld his authority, it was therefore enacted,

that if

> any person . . . within this realm . . . shall by writing, cyphering, printing, preaching or teaching, deed or act, . . . obstinately or maliciously attribute any manner of jurisdiction, authority, or pre-

[102] 28 Hen. VIII. c. 10. The word "imp" in the statute meant child or adherent, and was not used in its modern sense. Cromwell in his letter to the king spoke of "the imp his son"; Spencer, in the Fairy Queen, has "worthy imp"; Shakespeare calls Henry V. "the royal imp of fame."

eminence to the said see of Rome, or to any bishop of the same see for the time being within this realm or in any of the king's dominions, they and their abettors should incur the penalties of the statute of præmunire. Judges of assize, justices of the peace, bishops and their officials were to enquire for offenders.

All temporal and ecclesiastical judges and officials were to take an oath to renounce the papal authority and jurisdiction, and to accept and maintain the king's supremacy and laws[103]; and the obstinate refusal of the oath was to be high treason.

The 28 Hen. VIII. c. 13 sought to check the evil of non-residence, and the 28 Hen. VIII. c. 16 made void all papal bulls, briefs, faculties, and dispensations.

56. So far, the Reformation had met with little or no resistance worth notice; but it was hardly to be expected that the Pope or his faithful subjects, the monks, and those who sympathised with him and them would, after the papal bull, submit without a struggle to the rejection of his usurped authority, accompanied as it was, too, by the seizure and confiscation of the enormous wealth of the so-called religious orders.

The first revolt, eventually termed "the pilgrimage of grace," began at Louth, in Lincolnshire, on October 2nd. One of Cromwell's commissioners was expected there on that day, but the processional cross having been planted on the green as a standard and rallying point, and the church property secured under a guard, the commissioner on his arrival was received with the ringing of an alarm bell, and the rebellion began.

The leader was Dr. Mackerel, the prior of Barlings, who, in the disguise of a mechanic, and as Captain Cobler, directed the movements of some twenty thousand men who followed him. The complaint was the dissolution[104] of the monasteries and other matters. The attempt failed, and Captain Cobler was executed.

A more formidable rising followed in Yorkshire, under a

[103] See also 35 Hen. VIII. c. 1. § 11.

[104] Burnet, Hist. Ref. 1. p. 170, 1; Collier, Eccl. Hist. IV. 369, 70.

leader named Aske. It was termed the "pilgrimage of grace." Stow gives the oath;[105] the "restitution of God's Church," and "the suppression of erroneous opinions" were the chief objects sought. The insurgents soon, it is said, numbered 40,000 men, and laying seige to Pomfret castle, seized the Archbishop of York and the Lord Darcy, and compelled them to take the oath.

After hearing and answering their petition, a general pardon was granted, and the rebels dispersed. Aske made his submission and was for the time well received, but the Lords Hussey and Darcy, with several friars, were beheaded.[106]

57. A.D. 1537. Other insurrections of less importance followed early this year. Some eight thousand men, under Musgrave and others, besieged Carlisle, but were defeated by the Duke of Norfolk, and an attempt, under Sir Francis Bigot, to seize Hull also failed of success. One result of the tumult was to seal the doom of all the monasteries.

Though no Parliament met this year, nor in fact till 1539, convocation assembled, by the king's command, for business all the same, the two provinces uniting to form one national synod. Cromwell opened the session with a speech declaring why they were summoned; and so soon as it was ended, all the bishops rose together to give thanks to the king for his great zeal for the Church and the godly exhortation so worthy of so Christian a prince. This over, the debates began.

John Alesse, a Scotch divine, introduced by Cromwell,

[105] Annals, p. 967.

[106] Collier, Eccl. Hist. IV. 370—80; Burnet, I. pp. 173, 5; Dodd. I. p. 105, 6. Aske was afterwards executed at York, being suspected of complicity with the Carlisle rising. Stow says the abbots of Whalley and Woburn, with Mackerel, were beheaded in March; but that the abbots of Jervaux, Fountains and Rivers, were, with Aske and others, executed in June. Annals, p. 968. Dodd gives a list of four abbots, two priors, three monks, five priests, and sixteen layfolk, who were "executed for rising in defence of the monastic lands." Sixty-five persons, mostly monks and priests, suffered for "opposing the king's supremacy," six others, three monks, and two priests, as accomplices of Elizabeth Barton, and nine for "pretended plots" against the king; whilst sixty-one monks died in prison for rejecting the supremacy, or one hundred and seventy-one persons in all during the thirty-five years' reign. Ch. Hist. I. p. 342; p. 472, ed. Tierney.

labored to shew that there were only two sacraments. Stokesley, the Bishop of London, relied on Gratian, and maintained the seven; the Archbishop of York and four other bishops supported him. Cranmer, and Fox the Bishop of Hereford, held to it that we ought to have recourse to and fall back on the authority of the Holy Scriptures. But the chief and most important result of the meeting was the publication of the book called the "Institution of a Christian man." This book, known also as the "Bishop's Book," was compiled, at the king's request, by a committee of bishops and divines. It was formally dedicated to the king, as "supreme head in earth, immediately under Christ, of the Church of England," by "the archbishops and all other the bishops, prelates, and archdeacons" of the realm. All the bishops, eight archdeacons, and seventeen doctors of divinity and law signed it.

It clearly had full synodical sanction. The preface is headed, "The Convocation's preface to their book, entituled, the godly and pious institution of a Christian man";[107] and the bishops remind the king in the preface, that

"without the power and license of your majesty we know and confess that we have none authority either to assemble ourselves together for any pretence or purpose, or to publish anything that might be by us agreed on and compiled."

It was, says Collier, "an authoritative explanation of the doctrines of faith and manners, and a sort of standard for the desk and the pulpit."[108] It will amply repay perusal.

58. It states that Christ is the Eternal King, Head, Lord, and Governor of His body, the Catholic Church, as well as its Eternal Priest and Bishop, that is, the only patron, advocate, and mediator between God and man. That the Church is the spouse and mystical body of Christ, and all the members of the Church are knit together by the Holy Spirit of God, the author of perfect and everlasting love, and conjoined the

[107] Joyce, Synods, p. 391; Lathbury, Hist. Com. pp. 127, 8; Collier, Eccl. Hist. IV. 392—402.

[108] Id. p. 393.

one of them with the other, in perfect mutual love and charity.[109]

That there is, and hath been from the beginning of the world and so shall be for ever, a society or company of the elect and faithful people of God; "of which number our Saviour Jesus Christ is the only Head and Governor," and the members whereof be all the faithful people who have lived and are now in heaven, and all who be or shall ever be in life, from the beginning unto the end of the world.

This congregation being "the Holy Catholic Church," the very mystical body of Christ; catholic, because it is spread throughout all the world, and in what part soever of the world there be found people of whatever sort, state, or condition, having one faith, hope, and charity according to the scripture, there is the Church. The particular churches, wherever they be, being members of the catholic and universal Church, and all equal in power and dignity, subject only to the common Head, Jesus Christ, and governed with one Holy Spirit.[110]

Therefore the Church of Rome is not, and cannot be, called the Catholic Church, and cannot have or challenge any right to be head of the universal Church, or to have any superiority over the churches of Christ in England or elsewhere.

The unity of the Catholic Church being a spiritual unity, the unity of Christ's faith, hope, and love, and of His true doctrine.[111]

59. That the whole power of bishops and priests is divided into two parts, the one called *potestas ordinis*, the other *potestas jurisdictionis*, and this last consists of three special points.

The one is to rebuke sin, and excommunicate the sinner, "by word only, and not by any violence or constraint corporal."

The second is to admit fit persons to preach the Gospel

[109] Formularies of Faith, pp. 44, 50.

[110] Id. p. 52.

[111] Id. pp. 55, 6.

and minister the sacraments, the office of preaching being the chief and most principal.

The third is to make or ordain[112]

rules or canons concerning holy days, the manner and ceremonies to be used in the ministration of the sacraments, the manner of singing the psalms and spiritual hymns, the diversity of the degrees among the ministers, and the form and manner of their ornaments, and finally concerning such other rites, ceremonies, and observances as do tend and conduce to the preservation of quietness and decent order to be had and used among the people when they shall be assembled together in the temple.

The positive rules and ordinances needful to be made for the good government of the Church, being from time to time made by the ministers of the Church with the consent of the people, before there were Christian princes; and after there were Christian princes, with the authority and consent of the said princes and people.[113] Insomuch that kings and princes, when they became Christian, not only approved the existing rules or canons then made by the Church, but also enacted laws of their own for the good order of the Church, constraining their subjects to obey the same.

For beyond all doubt neither priests nor bishops ever had any coercive jurisdiction or authority by the gospel to punish any by corporal violence, but the Christian prince interposed his authority and maintained conformity to the order of the Church, and what further power and jurisdiction the priests and bishops had they derived by grants from the prince, and therefore it was, and always is, and shall be lawful for kings and princes, with the consent of the parliaments, to revoke and recall all such power and jurisdiction given to priests and bishops not by the authority of God, but by the consent, licence, sufferance, and authority of the king or prince.[114]

60. And it is untrue to affirm that Christ gave to Peter or to the Bishop of Rome power and authority to be head and governor of His Church, for the apostles Peter and Paul did

[112] Id. pp. 107, 8, 9, 110.

[113] Id. p. 112.

[114] Id. p. 113, 4.

teach and command that all Christian people, as well priests and bishops, as others, should be obedient and subject unto the princes and potentates of the world, although they were infidels,

and the Bishops of Rome abuse and pervert the sense of Christ's word, and are "clean contrary to the use and custom of the primitive Church," and violate the canons and decrees of the fathers assembled in the first general councils; and, indeed, their own oath and profession, made at their creation, wherein they swear to observe and keep the laws and decrees of the first eight general councils.

But in these decrees it is provided that all causes should be determined within the province where they began, and by the bishops of that province, and that no bishop should exercise any jurisdiction out of his own diocese or province.[115]

[115] Id. p. 117. See Can. Nic. VI.; Can. Const. II.; Can. Eph. VIII. The rule being τὰ ἀρχαῖα ἔθη κρατείτω. Can. Nic. VI. The ancient oath of the Pope bound him . . .

Sancta quoque universalia Concilia, Nicaenum, Constantinopolitanum, Ephesinum primum, Calchedonense, et secundum Constantinopolitanum, quod Justiniani piae memoriae Principis temporibus celebratum est, usque ad unum apicem, immutilata servare . . . . Disciplinam et ritum Ecclesiae, sicut inveni et a sanctis praedecessoribus meis traditum reperi, inlibatum custodire . . . nihil de traditione, quod a probatissimis praedecessoribus meis servatum reperi, diminuere vel mutare, aut aliquam novitatem admittere; sed ferventer, ut vere eorum discipulus et sequipeda totis viribus meis conatibusque tradita conservare ac venerari. Liber Diurnus. Nova Script. Collect. I. 1 pp. 52, 4, 5; and see Cod. Can. Vet. Eccl. Rom. by Pithou, the Jus. Eccl. of Becker, the Codex of Justelli, and Labbe and Coss. II. 1041.

The second form of the papal oath, includes the sixth general council, and condemns Pope Honorius for heresy. "Auctores vero novi haeretici dogmatis, Sergium, Pyrrhum, Paulum, et Petrum Constantinopolitanos, una cum Honorio, qui pravis eorum assertionibus fomentum impendit." Lib. Diurn. pp. 67, 70.

The third profession of faith, made after ordination, referring to the sixth Council of Constantinople, says, "quae et per decretum Christianissimi, ac piissimi a Deoque coronati Constantini principis congregata." Lib. Diurn. p. 32.

The Canon Law includes the first eight general councils. Corp. Jur. Can. (Pithou) I. p. 18; Decret. Par. I. Dist. XVI. § 8. It embodies the formula given in Ivo. "Sancta VIII. universalia concilia, id est: 1, Nicaenum; 2, Constantinopolitanum; 3, Ephesinum; 4 and 5, Chalcedonense; 6, Item Constantinopolitanum; 7, Item Nicaenum. Ad unum usque ad apicem immutilata servare et pari honore et veneratione digna habere, et quae praedicarunt et statuerunt omnimodis sequi et praedicare, quoque condemnaverunt ore et corde condemnare profiteor" (Decret. IV. cap. 132, p. 131), but adds the eighth council of Constantinople.

Moreover, Christ, by express words, prohibited His apostles and their successors, upon any pretence of authority given them by Him, to take on them the power of the sword, that is to say, the authority of kings and of the civil power; but they may execute all such authority and jurisdiction as is given them by kings or the civil power, with the consent of the people, so long as the kings and people permit.

For the kingdom of Christ is spiritual and not carnal, and He reigns Himself in the hearts of His people, and the pretending to any temporal authority is to again crown Him with thorns and cover Him with the purple robe, to be mocked and scorned by the world.[116]

61. And the truth is, that God instituted and ordained the authority of Christian kings as the most high and supreme over all other powers in the governance of his people; and to them it belongs of right to abolish all abuses, heresies, and

We may compare the Augustinian rule,

Illa autem quae non scripta, sed tradita custodimus, quae quidem toto terrarum orbe servantur, datur intelligi vel ab ipsis apostolis, vel plenariis conciliis, quorum est in Ecclesia saluberrima auctoritas, commendata atque statuta retineri. Ep. LIV. ad Januar. § 1, tom. II. col. 164.

Omnia itaque talia, quae neque sanctarum scripturarum auctoritatibus continentur, nec in conciliis episcoporum statuta inveniuntur, nec consuetudine universae Ecclesiae roborata sunt, sed pro diversorum locorum diversis moribus, innumerabiliter variantur, ita ut vix aut omnino nunquam inveniri possint causae, quas in eis instituendis homines secuti sunt, ubi facultas tribuitur, sine ulla dubitatione resecanda existimo. Ep. LV. ad Januar. tom. II. col. 188.

In the reign of Elizabeth the Commissioners appointed under the great seal, were not to "adjudge any matter or cause to be heresy, but only such as heretofore have been determined, ordered, or adjudged to be heresy, by the authority of the canonical scriptures, or by the first four general councils, or any of them, or by any other general council wherein the same was declared heresy by the express and plain words of the said canonical scriptures, or such as hereafter shall be ordered, judged, or determined to be heresy by the high court of parliament of this realm, with the assent of the clergy in their convocation. 1 Eliz. c. 1. § 36. The XXXIX. Articles, settled by the convocation of both provinces in 1562, ratified and subscribed afresh by both houses in 1571, ratified by the queen and confirmed by the 13 Eliz. c. 12, "for the avoiding of the diversities of opinions, and for the stablishing of consent touching true religion," are, with the Book of Common Prayer, the tests and standards of doctrine, to which the 28 & 29 Vict. c. 122, requires everyone before ordination to assent.

[116] Formularies of Faith, pp. 119, 120.

idolatries, and "to oversee and cause that the priests and bishops do execute their power, office, and jurisdiction truly and faithfully, and according in all points as it was given and committed unto them by Christ and His apostles." Not that it belongs to the office of kings to preach, or teach, or administer the sacraments, or absolve, or excommunicate, but to be the chief heads and overlookers over the priests and bishops, and to see that they do their duty and administer their office purely and sincerely; and by God's express command both priests and bishops are to obey, with all humbleness and reverence, all the laws made by the prince, that are not contrary to the laws of God, whatsoever they be; for they are to be subject not only *propter iram*, but also *propter conscientiam*.

And as all Christian people, both spiritual and temporal, are bound to obey Christ as the only head of the Church universal, so are they bound to obey Christian princes, which be the head governors of particular churches, who see that ministers be appointed who will set out the true doctrines of Christ.[117]

It is thus abundantly plain that the Church and realm deliberately rejected both the primacy and supremacy of the Pope, as well as the claim of an universal monarchy, as not being founded on the gospel but as contrary thereto.

And it was held that the prince should endeavour to reform and reduce things again unto their old limits, and the "pristine state of that power and jurisdiction" used "in the primitive Church." For then Christ's faith was most firm and pure, and God's word best understood, and it must needs follow that the customs and ordinances then used and made must be more agreeable to the teaching of Christ, and more edifying to the Church, than any customs or laws used or made since that time.[118]

62. A formal "declaration of the functions and divine institution of bishops and priests" was also about this time made and put forth. It was signed by Cromwell, the two archbishops, eleven bishops, and twenty-four divines and

[117] Id. p. 121.

[118] Id. p. 122.

professors of the civil and ecclesiastical laws. It closed with the statement that[119]

In the New Testament there is no mention made of any degrees or distinctions in orders, but only of deacons or ministers, and of priests or bishops; nor is there any word spoken of any other ceremony used in the conferring of this sacrament, but only of prayer and the imposition of the bishop's hands.

This year, too, 1500 copies of Tyndale and Coverdale's translation of the Bible in English were printed by Grafton, "by the king's most gracious licence," and Cromwell, at Cranmer's request, presented a copy to the king.

63. A. D. 1538. A proclamation, dated February 26th, "concerning rites and ceremonies to be used in the Church of England," was issued by the king.[120] It continued and explained the use and meaning of

holy bread, holy water, processions, kneeling and creeping on Good Friday to the Cross, and on Easter Day the setting up of lights before the Corpus Christi, bearing of candles upon the day of the Purification of our Lady,

[119] The Leonine Sacramentary contains three short forms of ordination, and a benedictio fontis. The Gelasian sets out the *Ordo de sacris ordinibus benedicendis.* At the ordination of a bishop two bishops placed and held a copy of the Gospels upon his head, et uno super eum fundente benedictionem, reliqui omnes Episcopi, qui adsunt, manibus suis caput ejus tangant. A very short form, including the one prayer of consecration, was used. Muratori. Lit. Rom. Vet. I. pp. 421, 483, 619, 613—26. The Gregorian gives a form of prayer at the ordination of a presbyter. Id. II. p. 243. A later codex supplies long forms of ordination from door-keeper to pope. Id. p. 415—450. The Missale Francorum gives the allocution to the people at the ordination of subdeacon, deacon, presbyter, and bishop. Id. pp. 665, 6. The Gregorian gives a form of prayer for the king, to be used in synod. It prays that, congregatam cleri ac populi multitudinem una cum praelato Principe jubeas conservari. Id. p. 353. But this was before the Isidorian forgery and the claim of supremacy over the state was made. At one time a bishop was examined, and then, cum in his omnibus examinatus, inventus fuerit plene instructus, tunc cum consensu clericorum et laicorum et conventu totius provinciae Episcoporum, maximeque metropolitani vel auctoritate vel praesentiâ, ordinetur Episcopus. Conc. Carth. IV. Can. I. Labbe and Coss. II. col. 1199; Lib. Diurnus. Cap. I. Tit. VIII. p. 46; Regino. I. c. 443, p. 200—2, 199.

[120] Wilk. Conc. III. 842.

and other ceremonies "not abolished nor taken away by his highness," but commanded in the November proclamation.

On June 11th, Thomas à Becket was condemned as a traitor, his name ordered to be erased out of all missals and service books, and his images and pictures to be everywhere defaced.[121]

In October the university of Cambridge, and in November that of Oxford, congratulated the king on the abolition of the papal supremacy.

The condemnation of Becket, "one of the three principal English martyrs," and the spoliation of his shrine, appears to have brought down the long delayed thunders of the Vatican. On December 7th, Paul III. published the bull of excommunication.

63. A.D. 1539. On May 2nd both convocations met, a new parliament having assembled on April 28th. A "Committee for religion" was appointed in the Lords, to examine and report upon differences in religious opinions; but not agreeing, the Duke of Norfolk reported, on May 16th, that they had settled to put the six articles to the examination of the whole parliament. On May 30th, the draft of the articles was completed, and two committees of bishops were appointed to frame forms of an act for the punishment of offenders, for presentation to the king.

On June 2nd, Cromwell presented the draft articles to convocation for their opinion, and this being given, the bill was read a first time on June 7th. On June 16th, and after a violent opposition, so strong indeed that, had not the king come down in person, the bill would not have passed, the act of the "Bloody Six Articles," or "the lash with six strings," was passed. Its design was to secure uniformity of doctrine and belief.

On November 14th, a royal proclamation, granting the people the free and liberal use of the Bible in English, was issued; but no one was to print any bibles for five years without Cromwell's permission.

[121] Id. III. 836.

A set of injunctions against books, sects, sacramentaries, married priests, and Becket, were issued some time this year, but an attempt made to obtain the sanction of convocation for a book of "Ceremonies to be used in the Church of England," failed of success.

64. In parliament, besides the "Six Articles Act," the 31 Hen. VIII. c. 6 was passed. It gave statutory force to the king's proclamations, and provided that the council of his successors might issue proclamations in the king's name, which were to be obeyed as those of the king himself.

The exceptions taken to the king's commands appear to have rendered it needful. Those who still clung to the old ways and laws not unnaturally raised difficulties; so parliament thus disposed of "the contempt and disobedience of some who did not consider what a king, by his royal power, might do."[122] One effect, of course, was to make the proclamations binding on every one.

The 31 Hen. VIII. c. 9 authorised the king to make bishops by his Letters Patent.

The 31 Hen. VIII. c. 10, "for placing of the Lords," provided that Cromwell, the king's vicegerent, "for good and due ministration of justice to be had in all causes and cases touching the ecclesiastical jurisdiction, and for the godly reformation and redress of errors, heresies, and abuses" in the Church should, as also his successors in the office, in all parliaments sit above the Archbishop of Canterbury and his successors.

The 31 Hen. VIII. c. 13 dissolved the remaining and greater monasteries, and on June 28th the abbots sat in parliament for the last time. There were some twenty-nine mitred abbots who had seats, and these, with the twenty-one archbishops and bishops, formed a compact body strong enough to control all the legislation affecting the Church. The writs of summons to the abbots varied, as Hallam remarks, in different parliaments, but still they generally, though not, as he says, "always," with the bishops, pre-

[122] Burnet, Hist. Ref. I. 197.

ponderated over the temporal peers. Always, however, as a rule, the spiritualty in the upper house were certainly able, in all church matters, to offer serious, if not effectual, opposition to the success of disagreeable measures.[123]

[123] According to Fuller, no less than sixty-four abbots and thirty-six priors were summoned to sit in parliament by Henry III., in the forty-ninth year of his reign. From that time the number summoned decreased, and King Edward III. fixed it at twenty-six. Lord Herbert makes twenty-seven, but Coke reckons twenty-nine mitred abbots. To the parliament of 1539, nineteen abbots were summoned, together with twenty bishops, the archbishops included. They do not appear to have either spoken or voted against the Bill for the Dissolution. With the fall of the monasteries, serfdom in England received its death-blow. The monks were hard taskmasters, and maintained, up to the very last, all their rights over their unhappy bondmen, with a rigid exactness. An ancient canon forbad them to free their slaves, "Abbati vel monacho servum non licet facere liberum," or, as it is in Regino, "mancipia quae pro Ecclesiastico dabuntur, in ecclesiae servitute permaneant, quod enim semel Domino consecratum est, ad humanos usus jam transferri non potest." At Glastonbury, at the dissolution, there were two hundred and seventy-one of these chattels, "whose bodies and goods" were "at the king's highness' pleasure." The inventory of Fountains' Abbey shews that the monks owned 2356 cattle, 1326 sheep, 86 horses, 79 pigs, 391 quarters of corn, and 392 loads of hay. A number of laborers would thus be required.

Pensions were given to the ejected monks and nuns, and were, as it would seem, regularly paid. Lingard says, "The pensions to superiors appear to have varied from £266 to £6 per annum. The priors of cells received generally £13. A few, whose services merited distinction, obtained £20. To the other monks were allotted pensions of six, four, and two pounds, with a small sum to each at his departure to provide for his immediate wants. The pensions to nuns averaged about £4. It should however be observed that these sums were not in reality so small as they appear, as money was probably at that period of six or seven times greater value than it is now." Hist. Eng. v. p. 46, n. 2.

In reality money was of fifteen or twenty times greater value than it is now. This is plain from the fact that in 1533, beef was ordered to be sold at one halfpenny, and mutton at three farthings a pound, whilst a fat lamb cost one shilling. A haymaker got three halfpence a day, and the rental value of the abbey lands ran from two shillings per acre for meadow, to one shilling and sixpence for pasture, and one shilling for arable. Many of the young and able-bodied would find occupation and a living in other ways. The accumulation of the vast stores of plate, jewels, and land seems somewhat inconsistent with the vows of poverty professed, and with the higher aims of an unworldly life. See Fuller, Ch. Hist. p. 292; Dodd I. p. 108, 9; Tanner, Notit. Mon. Pref. note, n.; Regino, Lib. I. can. CCCLXIX. p. 169; Burchardi. De Eccl. III. c. 172, 34, p. 73; Taylor, Index Monastic, pp. XXV. XXVI.; Fleetwood, Chron. Prec. p. 92; and the Valor Ecclesiasticus of Hen. VIII. for the stipends of vicarages. The student will find forms and copies of some four hundred and fifty-six grants to a monastery in Rer. German. Vet. Script. III. pp. 487—654. See Lib. Landavensis, pp. 381—534, and App. J.

65. A.D. 1540. Convocation, which had been prorogued on January 16th, met again on April 14th. On July 7th it sat as a national synod, the members of the York Convocation having joined, in order to the considering the question of the divorce between the king and Ann of Cleves. After the examination of witnesses and mature deliberation, it was unanimously resolved that the king's marriage was not binding, and a certificate to that effect, sealed by both the archbishops and signed by all the members on July 9th, was transmitted to the king.[124] The next day the proceedings and opinion of convocation were reported to the Lords by the primate, and thereupon the statute annulling the marriage was passed.[125] On July 28th a king's writ dissolved the synod.

66. Parliament, which had been prorogued to April 12th, met on that day, being "put an end to" on July 24th following. It passed the 32 Hen. VIII. c. 12 (which still further abolished the privileges of Sanctuary), and the 32 Hen. VIII. c. 26,[126] which provided that

all decrees and ordinances, which, according to God's word, by Christ's Gospel, by the king's advice and confirmation by his letters patents, shall be made and ordained by the archbishops, bishops, and doctors appointed, or to be appointed, in and upon the matter of the Christian religion and Christian faith, and the lawful rights, ceremonies, and observations of the same, shall be in every point thereof believed, obeyed, and performed, provided that nothing shall be ordained or decreed which shall be repugnant to the laws and statutes of this realm.

The 32 Hen. VIII. c. 38 cut off another serious mischief, by providing that marriages should not be avoided by a pre-contract.[127]

[124] Wilk. Conc. p. 854.

[125] Cobbett, Par. Hist. I. p. 545.

[126] Repealed by 1 Edw. VI. c. 12.

[127] The Canon Law gave specific performance of verbal marriage, and other contracts, on pain of excommunication and imprisonment. The rule is laid down in the Gregorian Decretals. De Pactis, Lib. I.; Tit. XXXV. § iii. But as the ecclesiastical commissioners said in their report, "questions relating to this subject

A commission was this year issued to the two archbishops and seven bishops to try one Seaton, who had been complained of to the Privy Council as a heretic.[128]

67. A.D. 1541. A royal proclamation directed a copy of the Bible in English to be placed in every parish Church, as ordered by the previous injunctions, under a penalty of forty shillings a month;[129] and a king's letter commanded, according to the injunctions of 1538, that "no offering or setting up of lights or candles should be suffered in any church, but only to the blessed sacrament of the altar," and all shrines and images were to be removed.[130] A royal decree also regulated certain feast days.[131]

68. A.D. 1542. The two convocations assembled on January 20th, at St. Paul's and York, parliament having met on January 16th. In the second session of the Canterbury synod the primate set forth the matters which the king desired the members to consider. They were, the reformation of religion, the correction of the translation of the Bible, and the passing a canon to prevent simony.[132] Committees were appointed to examine the translation of the scriptures, and a draft canon for the suppression of simony was brought up by the prolocutor to the upper house.

In the seventh session Cranmer moved that the candles and candelabra before images should be taken away, the

are purely as to the civil right between individuals in their lay character, and are neither spiritual nor affecting the Church establishment." Report. 1830, p. 12. By the making marriage a sacrament, it could only be celebrated by priests and in a sacred place, save by the special authority of the bishop. The mischief aimed at by the statute was the prevention of the divorce and separation of and between persons lawfully married, and perhaps having issue, on the plea of a pre-contract or mere verbal promise. Rome still plays curious tricks with the marriage laws. For the facts of a "gross outrage," as Mr. Gladstone with a just indignation terms it, see p. vi.—viii. of the preface to "Rome and the newest Fashions in Religion." See App. K.

[128] Coll. Eccl. Hist. v. 82.

[129] Wilk. Conc. III. p. 856.

[130] Id. p. 858.

[131] Id. p. 859.

[132] Id. p. 860.

portuises, missals, and other books corrected and reformed, the names of the Pope and of Becket erased, and certain silk vestments and other ornaments placed on images got rid of. He also urged that the people should be taught the Lord's Prayer, the Ten Commandments, and the Apostles' Creed in English.

In the eighth session, the upper house decreed that the Sarum use should be adopted throughout the province of Canterbury, upon pain of ecclesiastical censure at the will of the ordinary.[133] A bill, sent up by the Lord Chancellor, intended to be made an act of parliament, that diocesan chancellors might be married men, and, having wives and children, might have power to excommunicate, suspend, and promulge all church censures as priests do, was rejected on account of the scandal that might ensue.[134] The archbishops

[133] Wilk. Conc. III. p. 862. This decree hardly agrees with Lyndwood's note on the Legatine Constitution of Archbishop Chicheley in 1416, who, mentioning that certain feasts were kept according to the use of Sarum, direct a new feast to be observed according to the same use. Lyndwood says, in explanation and defence of this violation of the rule requiring the churches of a province to follow the metropolitan use, that the whole province had long followed the Sarum use because the Bishop of Salisbury was precentor of the College of Bishops. Lyndw. Lib. II. Tit. iii. p. 104, n. e and h; Johnson, 1416, 2, n. y.

Originally each bishop framed and settled the diocesan use; but very soon the rule of conformity to the metropolitan or provincial use was introduced: one of the first councils to so order was that held at Epaone, in Gaul, in 517, which directed, Ad celebranda divina officia ordinem, quem metropolitani tenent, provinciales eorum observare debebunt. Can. 27, Lab. & Coss. IV. col. 1579. The Spanish Council of Girone had about the same time made a like decree (Can. I. Lab. & Coss. IV. col. 1568), which was adopted and inserted *verbatim* in the Roman Canon Law. Decret. III. Dist. ii. § 31; Pithou. I. p. 456. It runs, De institutione missarum, ut quomodo in metropolitana ecclesia fuerit, ita Dei nomine in omni Tarraconensi provincia, tam ipsius missae ordo, quam psallendi vel ministrandi consuetudo servetur. The prayers, preface, and canon of the mass, and the Athanasian Creed had to be learnt by heart, owing no doubt to the scarcity and cost of MSS. It was an article of enquiry, whether the minister memoriter ac distincte proferre valeat. Regino, pp. 28, 9, § 82, 85; Maskell, Anc. Lit. pp. xxvii. xxviii. See App. K.

[134] The rejection of the draft bill by convocation appears to have been for the time fatal, for it was withdrawn, and not passed till three years after. Facts of the kind go to shew how the legislature deferred to the wishes of convocation in matters affecting the Church, and how little "the Reformation settlement" was of mere lay and parliamentary origin, progress, and sanction.

and bishops appear also to have thought it needful to settle a dietary for the clergy, but it was only "kept for two or three months, till, by the disusing of certain wilful persons, it came to the old excess." Who they were we are not informed; the allowance was certainly not illiberal.[135]

69. A.D. 1543. At the meeting of the Canterbury synod, a subsidy having been agreed to, the primate signified that it was his majesty's wish that

> all mass books, antiphoners, and portuises in the Church of England should be newly examined, corrected, reformed, and castigated from all manner of mention of the Bishop of Rome's name, from all apocryphas, feigned legends, superstitious orations, collects, versicles, and responses; that the names and memories of all saints, which be not mentioned in Scripture, or authentical doctors, should be abolished and put out of the same books and calendars; and that the services should be made out of the Scriptures and other authentic doctors.

By this it would seem that the previous orders for the correction of the service books had been ill attended to. A committee of both houses was therefore appointed to make the revision.[136] The curate of every parish was also directed to read to the people a chapter out of the Bible on every Sunday and holy day.

[135] An archbishop was not to exceed six kinds of flesh or fish, a bishop five, a dean or archdeacon four, and the clergy not over three. Of second dishes an archbishop was not to have more than four, a bishop three, and all others two. Only one of the larger fowls and fishes, as swans, geese, turkeys, haddock, pike, and tench, were to be in each dish. There might be, however, two capons or partridges, woodcocks, or conies in a dish, and six blackbirds and twelve snipe. The 33 Hen. VIII. c. 5 had fixed the number of horses for use.

[136] The committtee was appointed on February 21st, the bishops of Sarum and Ely representing the upper house and a committee of six the lower. But this the lower house released, and the work of revision was left to the bishops alone. A revised edition of the Sarum use had, however, been printed in 1541. The title page ran thus: Portiforium secundum usum Sarum, noviter impressum et a plurimis purgatum mendis. In quo nomen Romano pontifici falso ascriptum omittitur, una cum aliis quae Christianissimo nostri regis statuto repugnant, excusum Londini, per Edwardum Whytchurch, 1541, cum privilegio ad imprimendum solum. Coll. Eccl. Hist. v. p. 103; Wilk. Conc. III. 863. The prefix "saint" came in about the fifth century. Before that time men were called by their proper names; it was merely Peter or Paul, and not St. Peter or St. Paul. Fontanini, Discus. p. 40; Aringhi, Rom. Subt. pp. 277, 295.

A revision of the "Institution of a Christian man" was printed in May; the new edition appearing as "A necessary doctrine and erudition for any Christian man, set forth by the king's majesty of England," with a preface by the king. This preface recites that the work itself was published "by the advice of our clergy, for the purgation of erroneous doctrine." It clearly had full synodical sanction.[137]

70. About this time too, it was, that the rites and ceremonies of the Church were reviewed, and the "Rationale," setting out their meaning and significance, published. It was entitled, "Ceremonies to be used in the Church of England, together with an explanation of the meaning and significancy of them." It expressed that

the priest is a common minister in the name and stead of the whole congregation; and as the mouth of the same not only renders thanks to God for Christ's death and passion, but also makes the common prayers, and commends the people and their necessities in the same to Almighty God.[138]

The only mass vestments in use were the amice, alb, girdle, stole, phanon, and the over-vesture or chasuble. At the offertory, "the minister, laying the bread upon the altar, makes the chalice, mixing the water with the wine."[139]

In the very exact and elaborate account contained in this work, no mention is made of the use of lights on the table, or of incense at communion, though other lights are noticed and explained, as the lights at baptism, at the reading of the Gospel, as a sign of joy, and on Candlemas Day, "in memory of Christ, the spiritual light," and the lights at Easter, signifying the prophets.[140]

In parliament the 35 Hen. VIII. c. 3 declared and ratified the king's style.

Henry the Eighth, by the grace of God, king of England, France,

[137] Joyce, Eng. Synods, pp. 415—18.

[138] Coll. Eccl. Hist. v. p. 110.

[139] There was clearly no private mixture in the vestry.

[140] Coll. Eccl. Hist. pp. 110—120.

and Ireland, defender of the faith and of the Church of England, and also of Ireland, in earth the supreme head.

71. A.D. 1544. The Litany in English, nearly in its present form, was on June 11th ordered by the king to be used, and the Archbishop of Canterbury, in accordance with the king's letter, so directed.[141] The title proves that it had synodical sanction.

A king's letter to the primate reminded him that, in common with the Bishops of Worcester, Chichester, and others, who had been appointed by him to peruse certain service books then delivered to them, he had moved the king

that the vigil and ringing of bells all the night long upon All-hallow day at night, and the covering of images in the time of Lent, with the lifting up of the veil that covereth the cross on Palm Sunday, with the kneeling to the cross the same time, might be abolished and put away for the superstitions and other enormities and abuses of the same . . . our pleasure is as you require, that the same vigil shall be abolished . . . we be contented and pleased also, that the images in the churches shall not be covered as hath been accustomed in times past, nor no veil upon the cross, nor kneeling thereto on Palm Sunday, nor any other time. And forasmuch as you make no mention of creeping to the cross, which is a greater abuse than any other, for then you say, "Crucem tuam adoramus Domine," and the ordinal saith, "procedant clerici ad crucem adorandam nudis pedibus," and after followeth in the same ordinal, "ponatur crux ante aliquod altare, ubi a populo adoretur," which by your own book, called "A Necessary Doctrine," is against the second commandment, our will and pleasure is that the said creeping to the cross shall likewise cease from henceforth, and be abolished with other the abuses before rehearsed.[142]

[141] Wilk. Conc. III. p. 869; Lathbury, Hist. of Conv. p. 131; Joyce, Synods, p. 418. It was reprinted by the Parker Society.

[142] Coll. Eccl. Hist. v. 136; Cranmer's works, by Jenkins, I. pp. 317—22. Rome still worships the cross, and maintains that SUPREME DIVINE WORSHIP is due to it, though it be only the cross of a legate. Crux legati, quia debetur ei *Latria*, erit a dexteris. Pontificale, p. 301, 2; Rome, 1869; and see the Rubric, "completis orationibus," &c., in the Missal, in the service for Good Friday, p. 172, Mechlin, 1873.

72. A.D. 1545. On January 24th the archbishop replied, suggesting that the reasons for the alterations should be set forth. A preface was also added to the primer, by the king, and injunctions issued for authorising its use.[143]

In parliament, the bill for enabling married doctors of law to exercise ecclesiastical jurisdiction was now passed.[144] It was an important one in many respects, for it recited that the king

> Is, and hath always justly been, by the word of God, supreme head in earth of the Church of England, and hath full power and authority to correct, punish, and repress all manner of *heresies*, errors, vices, sins, abuses, idolatries, hypocrisies, and superstitions, sprung and growing within the same, and to exercise all other manner and jurisdictions commonly called ecclesiastical jurisdiction,

and that the Bishop of Rome and his adherents had, "in their councils and synods provincial, made, ordained, established, and decreed, divers ordinances and constitutions," providing that no married laymen should exercise ecclesiastical jurisdiction; but that

> the said decrees, ordinances, and constitutions, by a statute made in the five-and-twentieth year of your most noble reign, be utterly abolished, frustrate, and of none effect,[145] yet because the contrary thereunto is not used nor put in practice by the archbishops, bishops, archdeacons, and other ecclesiastical persons (who have no manner

[143] Wilk. Conc. III. 873—5; Strype, Eccl. Mem. I. 217; Coll. Eccl. Hist. IV. 311.

[144] 37 Hen. VIII. c. 17. Lay doctors of law were already eligible. An early instance of the appointment of a lay judge is that given by Socrates in the case of Bishop Silvanus. The historian also adds the reason. Sed et in reliquis egregius vir fuit Silvanus. Qui cum animadverteret, clericos ex litigantium controversiis quaestum captare, neminem unquam ex clero judicem dedit, sed acceptis litigantium libellis, advocabat unum ex fidelibus laicis, quem aequitatis studiosum esse norat; eique causae cognitionem committens, litigantes a contentione revocabat. His de causis Silvanus maximam sibi famam apud omnes comparavit. Hist. Eccl. VII. 37, tom. II. 382, 3.

[145] The recital is said to refer to the 25 Hen. VIII. c. 19. But this act only dealt with "canons, constitutions, ordinances, and synodals provincial," or the domestic canon law, and not with the decrees of councils and of Popes, or the foreign canon law, which was abolished by the 25 Hen. VIII. c. 14.

of jurisdiction ecclesiastical but by, under, and from your royal majesty),

so that occasion may be given to the evil disposed to disregard the proceedings and censures ecclesiastical of the king's judges and officers, being married laymen, and

forasmuch as your majesty is the only and undoubted supreme head of the Church of England and also of Ireland, to whom, by Holy Scripture, all authority and power is wholly given to hear and determine *all manner of causes ecclesiastical*, and to correct vice and sin whatsoever, and to all such persons as your majesty shall appoint thereunto.[146]

It was provided that married doctors of law might be made chancellors, vicars-general, commissaries, scribes, or registrars, either by the king or by any archbishop, bishop, archdeacon, or other person having authority under the crown, and might exercise all manner of ecclesiastical jurisdiction whatever.

73. A.D. 1547. On January 28th the king died, having, at the close of a thirty-eight years' reign, brought to a successful issue a conflict that had been waged, off and on, for some three centuries. For, we are told,[147]

[146] Upon the wording of this and previous statutes, to say nothing of the 1 Edw. VI. c. 11. and the 1 Eliz. c. 1. §§ vii. and viii., it is plain that the jurisdiction of the crown extended to and included the determination of disputed questions of doctrine and matters of faith, and that the jurisdiction of all bishops is not original or independent, but derived solely from the crown. It may be objected that all these statutes and decrees are merely acts of parliament, encroachments of the state, submitted to by the Church as to a kind of persecution and the like. But, as has been said, "It would be something strange to hear of a supposed endurance of a fictitious 'persecution' for two or three hundred years; but let that pass. There is absolutely no ground or reason whatever for such a pretence. If language means anything, the modern Church of England is a willing and consenting party to the declarations of the civil statutes of the realm, . . the whole arrangement seems to be both in complete accordance with her positive assertions of what is right and good, and in truest harmony with her own spirit." Maskell, Letter on the position of the High Church party, p. 31. We have already seen that the Church initiated and sanctioned, and did not follow, the civil legislation on these matters.

[147] H. E. Manning, The Unity of the Church, p. 361. The writer's way was afterwards lost in a fog, but the facts are not affected thereby.

if any man will look down along the line of early English history, he will see a standing contest between the rulers of this land and the Bishops of Rome. The Crown and Church of England, with a steady opposition, resisted the entrance and encroachment of the secularised ecclesiastical power of the Pope in England. The last rejection of it was no more than a successful effort after many a failure in struggles of the like kind; and it was an act taken by men who were sound, according to the Roman doctrines, in all other points. Questions of faith had hardly as yet arisen in the Church of England, when it released its apostolical powers from the oppression of a foreign and uncanonical jurisdiction. The corrections in doctrine and usage, which were afterwards made, were neither the causes of the beginning nor of the continuance of the division .... There is no one point in which the British Churches can be attainted of either heresy or schism. The attempt to impose an uncanonical jurisdiction on the British Churches, and a refusal to hold communion with them, except on that condition, is an act of formal schism; and this is further aggravated by every kind of aggresssion; acts of excommunication and anathema, instigations to warfare abroad, and to rebellion and schism at home, are the measures by which the Roman Church has exhibited its professed desire to restore unity to the Church of Christ. It must never be forgotten that the act of the Bishop of Rome, by which a most grievous and stubborn schism was begun in the English Church, was taken not in the character of patriarch, but in the title of Supreme Pontiff.[148] The same bull which made a schism in every English diocese professed to depose also the Queen of England.[149] It was a power to give away not sees but thrones also; and the effect of this has been, as in the East so in England, to erect altar against altar, and succession against succession. In the creation of schism in diocesan churches,

[148] See App. L. The venerable archdeacon seems to have assumed that the Rome of the sixteenth century was Christian, but schismatic. The "Ecclesia" had, however, been long displaced by the "Curia," and the once Christian bishop had become a temporal prince, whose kingdom was only of this world, and who, on coronation, came to hear the awful words, not to be spoken or heard by Christian tongues or ears, "Accipe tiarum tribus coronis ornatam, et scias te esse Patrem Principum et Regum, Rectorem orbis, in terrâ Vicarium Salvatoris nostri Jesu Christi." Pontif. Rom. p. 45, 6; Venice, 1561; Baluz. Miscel. II. p. 197. The very Missals were "Missales Romanae Curiae."

[149] See App. M.

in the exclusive assumption of the name Catholic, in the re-ordination of priests, and in the restricting the one Church to their own communion, there has been no such example of schism since the schism of Donatus.

England merely did in the sixteenth century what Italy has partly done in the nineteenth. But in those days men, with all their faults, were Englishmen first, and Catholics afterwards.[150]

[150] See the remarks in "The Vatican decrees," cap. VII. p. 61.

CHAPTER III.

THE REIGN OF EDWARD VI.

From January 28th, 1547, to July 6th, 1553.

1. A.D. 1547. The success of the political struggle in the reign of Henry VIII. both prepared the way for, and rendered possible, the reformation in doctrine that followed. Of this it has been well said,[1] that

> the really Protestant character of the settlement of 1549, even if it had been taken literally, and not with the relaxation which those who observed it, from Parker down to Cosin, permitted themselves, has never, during recent discussions, been insisted upon as fully or clearly as historical accuracy demands.

2. No changes of importance were made until the meeting of parliament and convocation. The bishops were, however, required to take out commissions, authorising them to exercise ecclesiastical jurisdiction. Bonner's sets forth his petition to the crown for authority to exercise ecclesiastical jurisdiction, and Cranmer's commission recites that all authority and all manner of jurisdiction, both ecclesiastical and civil, is derived from the crown, as the supreme head of both Church and state. They were granted "during pleasure," but the bishops made afterwards were to hold for life.[2]

3. On February 27th the king was crowned, a new form of service being used.[3] A royal visitation was soon after

[1] Worship in the Ch. of England, by A. J. B. Beresford Hope, M.P., p. 141, 2nd Ed.; and see on "Church Principles," post.

[2] Card. D. A. I. p. 1; Coll. Eccl. Hist. V. p. 173; Burnet, II. p. 5; Wilk. Conc. IV. p. 2. Cranmer's commission recites: Quando quidem omnis jurisdicendi auctoritas atque etiam jurisdictio omnimoda, tam illa quae ecclesiastica dicitur, quam secularis, a regia potestate velut a supremo capite, ac omnium magistratuum infra regnum nostrum fonte et scaturigine, primitus emanaverit. It is dated February 7th. Burnet, II. App. 2, 3, p. 71, 2; Strype, Cran. p. 141.

[3] Burnet gives it, II. App. p. 73, No. 4; and see Maskell, Mon. Rit. III. p. xxxv.; Coll. Eccl. Hist. V. 177.

designed, the kingdom being divided into six circuits, to each of which "was assigned a commission of civilians and divines, with a secretary."

In order thereto the bishops were inhibited from exercising their jurisdiction whilst it lasted, but the visitation being put off, the inhibition was for awhile removed.[4] Meantime, the book of Twelve Homilies was printed and published, with a preface by the king, enjoining their reading every Sunday, except when a sermon was preached. Cranmer appears to have had the chief hand in drawing them up. They seem to have been composed in 1542, and were brought up to and authorised by convocation. They were ratified in 1552, and were again, together with the second book of Homilies, confirmed in the thirty-fifth article of the synod of 1562.[5]

4. General injunctions were set out by the king for the royal visitation.[6] Special injunctions were also given to the bishops, whilst the visitors issued injunctions of their own.[7]

The king's injunctions included many of the late king's; they were addressed to all the king's subjects, with the advice of his council and by virtue of "his supreme authority." They directed that,

"From henceforth no torches nor candles, tapers, or images of wax be set before any image or picture, but only two lights upon the high altar before the sacrament,[8] which, for the signification that

[4] Burnet, II. p. 20, and App. p. 81, No. 7, for king's letter to the Archbishop of York. Wilk. IV. pp. 8, 10, 14, 17; Coll. Eccl. Hist. V. p. 187; IX. p. 231, for forms of inhibition, &c. The visitation appears, however, to have begun in September.

[5] Card. Synod. I. p. 15, art. 34; id. p. 70; Atterbury, Rights, p. 195; Joyce, Eng. Syn. p. 457; Coll. V. p. 181; Burnet, II. p. 21.

[6] Card. D. A. I. p. 5; Wilk. Conc. IV. 3; the king also set forth Articles of Enquiry. Strype, Ann. II. p. 48.

[7] Card. D. A. I. pp. 23, 55; Wilk. Conc. IV. pp. 9, 29. For list of visitors, see Strype, Cran. p. 146.

[8] Both the high altar and the reserved sacrament were taken away, and the lights therefore went with them, as the light upon the rood beam disappeared with it. The destruction, disappearance, or illegality of the principal involves that of the incident or accessory.

The "exposed sacrament" is one of the host of the mediæval corruptions of

Christ is the very true light of the world, they shall suffer to remain still." That one book of the whole Bible in English was to be provided within three months next after the visitation, and every person to be exhorted and encouraged to read the same. The cost to be borne by the parson or appropriator, and the parish, jointly.

That the parish should provide a register and chest.

That all shrines, covering of shrines, tables, candlesticks, trindles, or rolls of wax, pictures, paintings, and all other monuments of feigned miracles, pilgrimages, idolatry, and superstition, should be destroyed on walls and in windows both of churches and houses.

They forbad pilgrimages, beads, holy bells, holy candles, images,

Rome, which nowadays are mistaken for and palmed off as ancient and Catholic usages. There was no exposition, as Muratori says, till the thirteenth century. He wrote, "certum tamen est, non ante saeculum decimum tertium, invectum fuisse morem exponendi corpus Domini in altari, atque in ostensorio supra eminentem thronum, neque circumferendi extra sacras aedes ingenti cum pompa et sub umbello, ut nunc fieri cernimus." Lit. Rom. Vet. I. p. 286. The monstrance is hence one of the most recent of church ornaments. Lubke. Eccl. Art. p. 147. The elevation and worship of the host are an equally modern invention. Georgius says, "Immo, ipsomet Bona observante, nihil de Eucharistiae elevatione post verba consecrationis perhibent sacramentarium Gregorianum, Alcuinus, Amalarius, Florus, ceterique vetustiores . . . Mabillonii autem mens est, ut apud Gallos elevatio post consecrationem fieri coeperit post medium saeculum XI. In Ecclesiâ vero Romana haud scire se fatetur, an paullo serius." It was then only taken as "significans, hunc cibum et hunc potum excellentiorem caeteris." The Cistercians began the practice after or about A.D. 1215. See Georgius, De Lit. Rom. III. pp, 71, 73, 74, 77; Mabillon, Mus. Ital. II. p. xlix.; Martene, De Ant. Mon. Rit. Lib. II. c. iv. § 3, ss. 3, iv. p. 61; Bona. Rer. Lit. Lib. II. c. xii. § 2, pp. 775—9; Thiers, De l'exposition, Lib. I. ch. vi. vol. I. pp. 46—60. The reserved Eucharist was, Mabillon tells us, kept anciently in the vestry, "antiquior modus is esse videtur, ut in secretario seu sacristia servaretur." Mus. Ital. II. p. cxxxix.

The invention of the sacrying bell followed that of the elevation, Rocca says, in A.D. 1238, though Georgius has it that Guido, a Cistercian abbot and cardinal, introduced it about A.D. 1203. Casalius wrote, "Primum in elevatione sacrificii Missae, ex instituto Greg. IX., ut populus ad tantum mysterium excitetur." Rocca, De Campanis, c. XVI. op. I. p. 177; Georgius, III. p. 74; Casalius, De Vet. Sacr. Rit. II. p. 242; Dec. Greg. Lib. III. Tit. xli. c. 10; Lab. & Coss. XI. col. 1803, 8; Tit. V. Can. 6; Tit. VIII. 28.

The Constitutions of Cantilupe and Peckham direct it to be rung or tolled at elevation. Wilk. Conc. I. 667; II. 52; Johns. Coll. 1281, 1; Lyndw. Const. Prov. p. 26; and see Macro. s.v. Campana; Benedict XIV. De Sac. Sanct. Missae Sac. II. XV. § 26, 27, vol. viii. p. 96. He says the rite of elevation was introduced "ut signum Catholicae fidei adversus Berengarium"; and so Le Brun. Expl. Missae. Pars. IV. art. 8, vol. I. p. 406; Merati, IV. viii. § 22.

and pictures to which pilgrimages or offerings were made, all ringing of bells, except the one before sermon, and all processions in or about the church or churchyard at any time.

A form of bidding prayers was prescribed, containing a prayer for the dead, and King Henry's primer was to be used.

5. These injunctions suffered "*only two lights* to remain[9]

[9] The two lights, whether lamps or candles are meant, and both were lawful, present some difficulties. King Edgar's canons direct that "there be always burning lights in the Church when mass is singing." Those of Ælfric say the acolyte bears the candle or taper when the gospel is read or the housel hallowed at the altar, not to dispel the darkness but in honour of Christ who is our light. Thorpe, A.S. Laws, pp. 253, 349. De Burgo says it is not lawful to celebrate without fire or light (sine igne vel sine lumine), because "ignis etiam significat dilectionis fervorem"; and Levit VI. prescribed that "ignis in altari semper ardebit." Pup. Oculi. fo. 24 b. Biel is to the same effect, but says it also represents the faith of the people in Christ, the light of the world. Exp. Missae. Lect. 13, p. 74. Innocent III. says, In cornibus altaris duo sunt constituta candelabra, quae mediante cruce, faculas ferunt accensas, and that these represent the Jews and the Christians. Lib. II. c. 21; and see Ben. XIV. De Sac. Sanct. Missae. Sac. I. c. 4, .vol. viii. p. 11. These directions, however, refer only to celebration, and not to reservation.

Now the custom in England was to hang the reserved wafer up in a pyx *over* the altar, but this appears to have been laid aside in 1555 for the sake of safety, if Pole's direction to keep it in a tabernacle, which, "in altum elevatum in medio summi altaris affigatur," is to be so interpreted. He also directs "ut perpetuo lampas vel cereus coram sanctissimo hoc sacramento ardeat," but only where it can be afforded. Wilk. Conc. IV. 121, 2, 157; Cardw. D.A. I. p. 146; Synod. p. 454. See Le Brun. Diss. IV. art. 4, vol. II. p. 233, 371. The word in the Edwardian injunction is "lights," not candles, but whether lamps or candles, they would certainly not be placed on the mensa altaris, but, if candles, most probably upon, as was usual, the step, and at the corners of the altar. Permission to remain is not an order to set up other lights not specified. These two only were to be retained and used, and lights before the host are not lights at celebration. The use of the one cannot authorise that of the other.

Walter's canons in 1200 direct a decent pyx. Archbishop Gray in 1250 orders a pyx, a candlestick for the paschal taper, two candlesticks for the acolytes, and the beam light. Peckham in 1279 directs a tabernacle, "cum clausura," for the pyx, meaning probably the tabernacle to be hung under a ciborium or canopy. The synod at Exeter, in 1287, directed two lights at least at celebration, both for reverence and in case one should go out, on which account one was always to be of wax. Winchelsea in 1305 speaks only of the pyx and a paschal candlestick. Reynolds in 1322 mentions a silver or ivory pyx, and directs two candles, or at least one, to be lighted at mass, but as there is nothing said of their being placed upon the altar, it would be the ones held by the acolytes, or the candelabra on the step at the corners. Wilk. Conc. I. 696; II. 52, 132, 280, 513; Lyndw.

upon the high altar before the sacrament," and did not direct or render lawful two lights upon the table at communion, a wholly distinct ceremony and matter, and in no way identical with, or possibly to be substituted for, the lights before the reserved host. The exception made in favour of, and the express sanction given to, these, excluded all others.

Moreover, the 31 Hen. VIII. c. 8, which gave to the king's proclamations the force of a statute, reciting that the king, by the advice of his council, had

> heretofore set forth divers and sundry his grace's proclamations, as well for and concerning divers and sundry articles of Christ's religion, as for an unity and concord to be had amongst the loving and obedient subjects of this his realm, and other his dominions, and also concerning the advancement of his commonwealth and good quiet of his people,

provided that proclamations made during the minority of the king should import or bear underwritten the full names of such of the king's honourable council then being, as should be the devisers or setters forth of the same, and to be the more part of them or else the proclamation to be void and of none effect.

But the names of the majority of the council were not imported or subscribed as required. Nor is it clear that a "proclamation" is identical with, or includes, an "injunction"; and obedience to the injunctions was required by the king's "supreme authority," and not by virtue of any statutory power.

The 31 Hen. VIII. c. 8 was, however, repealed by 1 Edw. VI. c. 12 § 5;[10] and as acts of parliament then related to the first day of the session, and that began on November 4th, and no reservation was made in the act,

p. 236, note n. p. 248; Johnson's Canons, s. n.; Strype, Eccl. Mem. II. 73, 116, where the pyx clearly hung over the altar. Robertson, pp. 78—86; Social Hist. p. 221; Strype, Cran. p. 163.

[10] The repeal was effected by § 5, and not by § 2. See Martin *v.* Mackonochie, L. R. 2 Ad. & Eccl. 225—32.

the injunctions would, on any supposition, cease to have statutory force from that date.[11]

6. Parliament met on November 4th, and the two convocations on the following day.

On November 22nd, a petition for the examination of the ecclesiastical laws, for the junction of the lower house of convocation with the lower house of parliament[12] (or else that all statutes concerning matters of religion and causes ecclesiastical should not pass without the assent of the clergy), for the perusal of the new service books, and other matters, was presented by the lower to the upper house.

In the fifth and sixth sessions, *nemine reclamante*, the cup was restored to the laity, and in the seventh, on December 9th, the prolocutor was associated with the primate to know what indemnity and immunity convocation would have to treat of matters forbidden by statute. In the eighth

[11] 4 Inst. 25, 7; Hob. p. 111.

[12] This refers to the king's writ in 1294 to the dean and chapter of Canterbury, sede vacante, requiring the presence of the prelates and clergy at a parliament at Westminster, the clergy to appear by their proxies or proctors (Wilk. Conc. II. p. 201), and hence to a supposed right of the clergy to attend under the "praemunientes" clause. The claim was again made in the reigns of Elizabeth and James, but nothing was then or ever afterwards conceded, on these points, by the state. The lords spiritual had proctors in the House of Commons in 1387, as is plain by the XI. Ric. II. c. 1. In cases of treason or blood, the proctors and spiritual peers absented themselves, on the ground that the canon law forbad them to be present when life was in question. In 1397, the commons complained that many judgments and ordinances were repealed and disannulled because the estate of the clergy was not present in parliament, and they prayed the king that the prelates and clergy should choose a proctor, having power to consent in their names to all things and ordinances justified in that parliament. Whereupon the spiritual lords, having examined the matter, committed their whole power to a layman, Sir Thomas Percy, appointing him proctor in the parliament for the clergy. See Burnet, Hist. of Ref. II. pp. 36—8; Records, No. 16—18, pp. 92, 3; Parl. Rolls, I. p. 348, and for the protestation of the bishops, pp. 236, 223; Gibson, Cod. pp. 143—47, Tit. V. c. VI.; Steph. Eccl. Stat. pp. 81, 2; Joyce, Synods, pp. 273—76, 459; Lathbury, Hist. Conv. pp. 77, 8; 4 Inst. p. 4; Attenbury, Rights, p. 65; Cotton. Abridg. pp. 368, 371; Wilk. III. 195, 203; Johnson, Vade Mecum. I. pp. 150—163. Soon after, the king, with the lords temporal and Sir Thomas Percy, adjudged the Archbishop of Canterbury a traitor, and the "commission and statute pursuant to it made in the eleventh year of the reign of this king, was wholly repealed and made void." Parl. Hist. I. p. 224; Parl. Rolls, I. pp. 351.

session, held on December 17th, the compulsory celibacy of the clergy was done away with by fifty-three votes to twenty-two.[13]

7. In parliament, a bill "for the sacrament of the altar" was brought into the Lords and read a first time on November 12th, and a fourth time on December the 10th; on the 20th it was brought up from the Commons. The bill for receiving in both kinds was read a first time in the Lords on November 26th, and on the same day another bill, "for the erection of a new court, commonly to be called the Court of Chancery of ecclesiastical and civil causes," was also brought in and read. On December 24th parliament was prorogued, the bills "for the sacrament of the altar" and "the receiving in both kinds" being consolidated in 1 Edw. VI. c. 1.

It will be seen from this that the decree of convocation preceded the Act legalising the receiving in both kinds.

The reason given in the act for the restoration of the cup is notable as embodying the leading principles of the Reformation. It says,[14]

[13] Wilk. Conc. IV. 15, 16; Strype, Cran. pp. 155—58.

[14] The denial of the cup is but one of the many instances in which Rome has departed from primitive and catholic use. For it is certain, says Bona, that "all, everywhere, both clergy and laity, men and women, anciently received under both kinds;" and he adds, "Semper enim et ubique ab Ecclesiae primordiis usque ad saeculum XII., sub specie panis et vini communicarunt fideles, coepitque paulatim ejus saeculi initio usus calicis obsolescere, plerisque Episcopis eum populo interdicentibus ab periculum irreverentiae et effusionis." Rer. Lit. lib. II. c. xviii. § 1. Georgius, however, says, "Ecclesia Romana communionem sub utraque specie etiam laicis in missa solemni Romani pontificis saeculi XIV. et XV. praebuit, ut paullo ante ostendimus, quod deinceps intermisit propter haeresim Bohemorum ut supra ex Nicholao Cardinali de Cusa audivimus;" III. pp. 192, 187. The custom does not appear to have prevailed in England till the fourteenth century, as a decree of the Synod of Exeter in 1287 directs the priests to teach the laity "that under the species of bread they receive that which hung for their salvation on the cross, and what they partake of in the chalice is what was poured forth from the body of Christ," Peckham's Const. of 1281 to the contrary notwithstanding. Wilk. Conc. II. pp. 133, 52; Lyndw. Lib. I. Tit. i. p. 9.

The Council of Constance in 1415 first formally abolished the ancient and lawful use. Labbe & Coss. XII. col. 100; Conc. Const. Von der Hardt. IV. p. 333; the examination of Huss is given at pp. 308—314; the deliberations were

Forasmuch as it is more agreeable, both to the institution of the said sacrament of the most precious body and blood of our Saviour Jesus Christ, and also more conformable to the common use and practice both of the apostles and of the primitive church, by the space of 500 years and more after Christ's ascension, that the said blessed sacrament should be administered to all christian people under both the kinds of bread and wine, than under the form of bread only; and also it is more agreeable to the first institution of Christ, and to the usage of the apostles and the primitive Church, that the people being present should receive the same with the priest, than that the priest should receive it alone,

provision is made for the ministration under both kinds, unless "necessity otherwise require."

On December 24th, a Royal proclamation[15] notified the fact of the passing of the act, and forbad all disputings or reasonings on the subject, and all irreverent and curious questions as to the presence of Christ, and directed all justices of the peace to apprehend and disperse all assemblies for disputation.

The 1 Edw. VI. c. 14 suppressed what was left of the "colleges, free chapels and chantries," and all guilds, brotherhoods, and fraternities, and gave their property to the king, and all the lands and hereditaments left or given for the finding of chantry priests, the maintaining anniversaries, obits or lights.

aided by the presence of "mulieres communes, quas reperi in domibus et ultra et non minus, exceptis aliis DCC," who seem, according to D'Achery, to have belonged to the lay-folk in attendance, but "curtisani, quos reperi in domibus, MD," are entered in the census after the papal secretaries. Id. v. pars. VII. pp. 49, 22. Three English bishops attended. Id. p. 14. "Sanctissimus in Christo Dominus et Pater Johannes XXIII," was *deposed* by the Council. The suspension, indictment, and deposition, are given in Labbe & Coss. XII. col. 64—67, 69—87, 95, 6. Heresy, simony, and all manner of crimes were laid to his charge. He is, nevertheless, found in the list of popes sanctioned by Dr. Manning, where he is said to have "*resigned* in 1415." Catholic Belief, p. 171, 2nd edn. The list is very inaccurate. There was no Marcellus I. for instance. Natali. Enchirid, p. 4.

[15] This proclamation is a significant fact. The dogma of transubstantiation, when promulgated, appears to have puzzled the acutest minds of the time. Both Bellarmine and Cajetan admit that it cannot fairly be proved from Scripture. De Sac. Euch. lib. III. c. 23, III. p. 573; Cajetan, Com. on Aquinas, Pt. III. § LXXV. art. I, n.; Vol. III. p. 347, n.

By this act all free chapels and chantries were dissolved. Dodd says there were "2374, all endowed with lands, pensions, and moveable goods to an immense value."[16]

On October 17th an order of council forbad the unauthorised sale of Church plate and ornaments;[17] and on November 12th a proclamation sought to prevent the attacks commonly made in London upon persons who wore the priest's garb.[18]

8. The latter end of the year, a committee of divines was appointed and commanded by the king to draw up an order for the communion. They met at Windsor.[19] This step was rendered needful by the act directing the communion to be received in both kinds. Before settling the new form the whole question of the Eucharist was carefully examined. The points discussed, with the replies given, are to be found in Burnet and Collier.[20]

9. A.D. 1548. A royal proclamation, dated January 16th, and set forth by virtue of the supremacy and with the advice of the protector and some of the council, enjoined fasting in Lent.[21] And on January 27th the primate informed the

[16] Ch. Hist. I. p. 348; Collier, v. p. 226; Strype, E. M. II. p. 63; Burnet, II. p. 35.

[17] Collier, v. p. 230.

[18] Wilk. Conc. IV. p. 17; Collier, v. p. 231.

[19] Heylyn gives a conjectural list of the Committee. In the more correct list of Bishop Burnet, the two Bishops of Ely and Sarum, who, on Feb. 21, 1543, were appointed by convocation to revise the service books, are included. On November 22nd, 1547, a petition of the lower house was presented "ut opera episcoporum et aliorum, qui alias, ex mandato convocationis, servitio divino examinando, reformando et edendo, invigilarunt, proferantur, et hujus domus examinationem subeant." As they were both on the Committee for framing the new order for the Communion, and one of the two was appointed on the Prayer Book Committee, the results of their labours would doubtless be produced and made use of, and there would be no need to again consult convocation on the matter; for neither the new order of the Communion nor the first Prayer Book of Edward VI. were drawn up or set forth by the direct and formal authority of convocation. Heylyn, Hist. Ref. p. 57; Wilk. Conc. IV. 15; Burnet, II. p. 47; Collier, v. p. 239; Joyce, Synods, p. 466; Lathbury, Hist. Conv. p. 157; Strype, E. M. II. p. 61, 88; Fuller, Ch. Hist. p. 386.

[20] Hist. Ref. II. p. 47; Collier, v. pp. 239—248.

[21] Wilk. Conc. IV. 20; Card. D. A. I. 30; Strype, E. M. II. p. 81. It was afterwards embodied in the 2 & 3 Edw. VI. c. 19, giving power to ordinaries to

bishop of London that the privy council had resolved that the bearing of candles on Candlemas Day, and the use of ashes and palms should be discontinued.[22]

On February 6th a proclamation silenced all preachers, save those licensed by the king, his visitors, or the diocesan. No rite or ceremony was to be omitted, innovated, or changed by private authority.[23] An order of the privy council followed on February 21st, directing the immediate removal of "all images remaining in any church or chapel," whether abused or not. This was done to put an end to strife and contention, and because there was no peace[24]

but where all images were wholly taken away and pulled down already, to the intent that all contention in every part of this realm for this matter may be clearly taken away, and that the lively images of Christ should not contend for dead images, which be things not necessary, and without which the churches of God continued most godly many years.

The primate's injunctions were to the same effect.[25]

10. On March 8th the "Communion Book," or "The order of the Communion" was published, with a royal proclamation enjoining conformity to it.

It sets forth the supremacy, the act for receiving in both kinds, and directs the ministration of the Sacrament, only after such form and manner as thereafter by the king's authority, with the advice of the protector and privy council, is set forth and declared. The resolution of convocation is not even hinted at, nor is its consent taken to be needful. It "left the office of the mass where it was, only adding to it that which made it a communion." The principal changes made, were the use of the vulgar tongue, the restoration of the cup, and

enquire for and present offenders. Gibson, Cod. I. p. 289. The 19 & 20 Vict. c. 64, repealed it.

[22] Wilk. Conc. IV. p. 22; Card. D. A. I. p. 37; Heylyn, Ref. p. 55.

[23] Wilk. Conc. IV. p. 21; Card. D. A. I. p. 34; Strype, E. M. II. p. 83; Collier, V. p. 235.

[24] Wilk. Conc. IV. 22; Heylyn, Ref. p. 55; Strype, E. M. II. p. 79; Burnet, II. p. 46; Card. D.A. I. p. 38; Collier, V. p. 235; and see 3 & 4 Edw. VI. c. 10.

[25] Card. D. A. I. pp. 42, 51; Wilk. Conc. IV. p. 23.

the forbidding of elevation.[26] "The mass," subject to any other alterations made by the various articles and injunctions, remaining, as to its ceremonial, the same; confession was however left voluntary and indifferent.

On March 13th the book was sent round to the bishops for distribution to their clergy, so as to be in use by the following Easter. A letter from the privy council both explained its authority and enjoined its use. The act of parliament is recited, and the action taken thereon is said to be by the king and council, who called together sundry "prelates and other learned men in the scripture," who "formally agreed upon such an order," which they are required to set forth, "as commanded to be used by the authority of the king's majesty," so as to secure uniformity throughout the realm.[27]

11. On April 24th a proclamation inhibited all preachers, save those licensed by the king, the lord protector, or the primate under their seals. The bishops themselves had thus to take out licenses to preach, as well as to eat flesh in Lent.[28]

In this month a commission sat, on April 27th, to try one John Champneys, convented for heresy. The delegates were the Primate, Cox and Latimer, doctors of divinity, May, the dean of St. Paul's, Cook, dean of the Arches, Dr. Lyell, Sir Thomas Smith, and others. On abjuration, he was sentenced to bear a faggot at St. Paul's Cross during sermon time and find sureties.[29]

On April 30th a letter of the council to the primate again forbad the unauthorised alienation of Church ornaments,[30] whilst on May 6th the privy council sent to the primate a form of prayer, for victory and peace, to be used every Sunday and holy day in the common prayer.[31]

[26] Wilk. Conc. IV. pp. 11—14; Burnet, II. pp. 49, 50; Collier, V. pp. 247—49; Parker's Introduction, pp. XVII.—XXI.

[27] Wilk. Conc. IV. 31; Burnet, H. Ref. II. p. 50; Collier, V. p. 249.

[28] Strype, E. M. II. pp. 90, 168, 527, 530; Fuller, Ch. Hist. p. 388; Coll. V. p. 256.

[29] Wilk. Conc. IV. 39; Strype, Cran. pp. 178, 9; Collier, V. p. 304.

[30] Strype, Cran. p. 177.

[31] Id. p. 178; Wilk. Conc. IV. 27.

12. At this time too, with a view of quieting all the differences and diversities of public worship, a committee of bishops and divines was selected by the king, and directed to frame and settle a form of common prayer in English. It was composed of the primate, the bishops of Chichester, Ely, Hereford, Lincoln, Rochester, and Westminster, with the deans of Durham, Exeter, Lincoln, and St. Paul's, the Master of Trinity, Cambridge, and Cox, the king's almoner, then dean of Westminster.[32]

On May 13th a king's letter set forth by the advice of the council,[33] directed all licensed preachers to "preach truly and sincerely the word of God," and not to stir up or

provoke the people to any alteration or innovation, other than is already set forth by the king's majesty's injunctions, homilies, and proclamations.

On June 24th the council required Bonner to cease saying "the apostles' mass and our lady's mass and other masses of such peculiar names" in private chapels or elsewhere,[34] but ordered

that the holy blessed communion, according to the act of parliament, be ministered at the high altar of the church, and in no other places of the same, and only at such time as your high masses were wont to be said; except some number of people desire (for their necessary business) to have a communion in the morning.

13. On September 1st the prayer book committee attended his majesty's pleasure,[35] as appointed, at Windsor, and on September 23rd a proclamation reciting that the king

minding to see very shortly one uniform order throughout this his realm, and to put an end to all controversies in religion, so far as God should give grace (for which cause at this time certain bishops and notable learned men, by his highness' commandment, are con-

[32] Heylyn, Ref. p. 15; Hist. Edw. VI. p. 64; Collier, v. p. 264; Fuller, Ch. Hist. p. 386; Strype, E. M. II. 84, 5.

[33] Card. D. A. I. p. 53; Wilk. Conc. IV. p. 27.

[34] Card. D. A. I. p. 65; Wilk. Conc. IV. p. 34.

[35] Heylyn, Hist. Edw. VI. p. 64; Joyce, Synods, p. 468.

gregate), hath thought good . . . until such time as the said order shall be set forth generally, throughout his majesty's realm

to inhibit all preachers whatsoever.[36]

All the many and various uses "were now to be laid aside, and an uniform office provided for the whole kingdom;" for

to leave all to the liberty of the priest would have been not only a singular but a dangerous expedient . . . what uniformity can there be in the Church upon this liberty? what security is there against irreverence and indiscretion? against failing in orthodoxy or sense?[37]

The rule laid down was,[38]

not to change anything for the sake of novelty. In this performance they resolved to govern themselves by the word of God and the precedent of the primitive Church . . . their business was only to brighten what had been rusted by time, to discharge the innovations of later ages, and bring things up to the primitive standard,

and it was resolved, in accordance with ancient and catholic use, that the "offices should be drawn up in English."[39]

[36] Card. D. A. I. p. 59; Wilk. Conc. IV, p. 30.

[37] Collier, V. pp. 265, 9.

[38] Id. p. 269; Strype, E. M. II. 86; Burnet, Hist. Ref. II. p. 56.

[39] The publishing the Common Prayer in English, was a return to primitive and catholic use. Quamvis hodiernus (says Martene) ecclesiasticae disciplinae usus obtineat, ut missa non nisi tribus linguis, hebraica, graeca et latina cantari praecipiatur, . . . longe tamen alia fuit ipsius primaeva institutio. De antiq. Eccl. Rit. Lib. I. c. iii. § 2. The earliest language of the Church was Greek. Paul, though a Roman citizen, wrote in Greek to the Christians at Rome; James "to the twelve tribes," and Mark to the Romans, used Greek. The apostolic fathers, the apologists, the historians of the early Church, and her earliest theologians wrote and spoke Greek. The most ancient chronicles, the pontifical letters, even to the bishops of Gaul, the decrees of the first seven councils, and the official epitaphs in the papal vault are in Greek. Nor was its use soon laid aside in the western liturgies, for even in the seventh century Roman sacramentaries are to be found, in which the responses are first made in Greek, and to this day the use of the Greek language has left its mark on our ecclesiastical terms:—*hymn*, *psalm*, *liturgy*, *church*, *homily*, *parish*, *diocese*, *eucharist*, *catechism*, *deacon*, and the like. See Northcote and Brownlow, Rom. Sott. I. p. 354. The gift of tongues had its aim and design. Acts II. 11. Asserendum (Bona remarks), itaque videtur apostolos eorumque successores eo idiomate in singulis regionibus usos, quod tunc illis commune et vernaculum erat; et ita Hierosolymis, Chaldaice; Antiochae vero, Alexandriae et in aliis Graecorum civitatibus Graece; Romae autem et in toto

14. Owing to the plague, both convocation and parliament were this year prorogued; the Canterbury synod to April 21st, and again *sine die*, and, by a king's writ, dated March 15th, it was further prorogued to November 4th, and then by successive prorogations and other writs to February 3rd, and April 22, 1550, and so to October 11th, January 21st, March 3rd, October 14th, and from October 14th to November 5th, 1551, and thence to January 24th, 1552, when it met for business as usual.[40]

On November 24th parliament met, and on December 20th the bill for uniformity of service was committed to Serjeant Hales, both houses adjourning on the morrow to January 22nd.

15. A.D. 1549. On January 7th the act for uniformity of service was read a first time in the Lords, and a third time on January 15th, the bishops of London, Durham, Norwich, Carlisle, Hereford, Worcester, Westminster, and Chichester, out of the twenty-seven who had seats, being non-contents.[41] On January 22nd it was sent up by the Commons.

Occidente latine celebrasse. Rer. Liturg. Lib. I. c. V. § 4. But the Council of Trent decreed, Si quis dixerit lingua tantum vulgari missam celebrari debere, anathema sit. The Apostolic rule, as set out in 1 Cor. xiv., appears to have been different. And Origen wrote that in his time, Singuli item nativa et vernacula lingua deum precantur . . . . enim vero qui est linguarum omnium dominus audit quemdam quavis lingua orantes . . . non enim praesidens universae machinae deus, veluti unus aliquis fuerit, qui barbaram scit linguam vel graecam fortiter et ita ut caeteras nesciat, vel ut nihil caeteros curat, qui alio quodam dicendi genere utcunque loquentur. Cont. Cels. VIII. c. 37, tom. I. fo. 103 a, col. 1. The testimony of Dionysius Alexandrinus, Basil, Ambrose, Chrysostom, Jerome, Austin, Isidore of Seville, the ancient offices, the well known decree of Justinian, the decrees of John VIII. and of the Lateran in 1215, are conclusive as to the ancient usage and as to the novelty of service in a tongue not understood by the people. See Corp. Jur. Civ. Coll. IX. Tit. XX. Novel. CXXXVII. 6, Tom. II. pp. 196, 7; Labbe & Coss. IX. col. 177; XI. col. 161, Can. IX.; Gueranger, Inst. Litur. III. p. 52, and the learned Bishop Jewel's reply to Harding's answer. Park. Soc. Ed. pp. 263—337.

[40] A quo die, usque ad dissolutionem ejus, quae anno sequenti obtinuit, synodus convenit pro more solito. See Wilk. Conc. IV. pp. 68, 60, 32, 26.

[41] House of Lords' Journals, p. 331. Heylyn says, that all the members of the Committee who compiled the Book subscribed their names to it before presentation to the king. Hist. Edw. VI. p. 65.

Up to this time there were some five different standard uses: Sarum, York, Hereford, Bangor, and Lincoln, to say nothing of "the divers and sundry forms and fashions used in the cathedrals and parish churches of England and Wales." Now these were all set aside, and all were tied down strictly to

say and use the matins, evensong, celebration of the Lord's Supper, and administration of the sacraments and all their common and open prayer in such order and form as is mentioned in the said book, and *none other or otherwise*,

under the penalties set out in the act.[42]

And "this boke and the Bible" were to be the only ones used.[43]

16. The act recited the fact that the king had

appointed the Archbishop of Canterbury and certain of the most learned and discreet bishops and other learned men of this realm, to consider and ponder the premises, and thereupon, having as well eye and respect to the most sincere and pure Christian religion taught by the scripture, as to the usages in the primitive Church,

to "draw and make one convenient order, rite, and fashion of common and open prayer and administration of the sacraments."

Provision was, however, made for the use of

any psalms or prayer taken out of a bible, at any due time, not letting or omitting thereby the service or any part thereof mentioned in the said book.

The liturgy was to be got by the following Whitsunday, and to be used within three weeks afterwards.

17. There is no direct evidence that the new service book ever received the formal sanction of convocation. Heylyn mentions that it was at the time objected,[44] that

neither the undertaking was advised, nor the book itself approved, in a synodical way by the bishops and clergy, but that it was the act of

[42] 2 & 3 Edw. VI. c. 1.
[43] Ante, p. 2.
[44] Hist. Edw. VI. p. 67.

only some few of the prelates, employed therein by the king or the lord protector.

And Strype remarks, that the old *Papalins* were strongly opposed to it, "and very angry to see their old superstitious ceremonies thus laid aside," and they called it a "parliamentary religion," and the reformed Church, "a parliament Church." Yet he adds that what the revision committee "had concluded upon was offered the convocation, and after all this parliament approved it;" and Dr. Abbot is quoted to the same effect.[45] But Heylyn says plainly, that neither the first book of Edward VI., nor that of Queen Elizabeth was issued by the authority of convocation (for neither could trust their clergy), "but acted sovereignly therein of their own authority, not venturing either of the said books to their convocations," and he sustains and explains the action of the crown in the matter.[46]

Mr. Joyce urges the king's letter to Bonner, in which he says the uniform order of common prayer, according to the scriptures and use of the primitive Church, was set forth

> not only by the common agreement and full assent of the nobility and commons of the late session of our late parliament, but also by the like assent of the bishops in the said parliament, and of all other the learned men of this our realm in their synods and convocations provincial.

And other secondary evidence is adduced.[47] The king's letter to Bonner would be conclusive but for the mention and distinction made between the assent of the bishops given in parliament, and that of the learned men "in their synods," as was indeed the actual fact. Had the words "in the said parliament" been omitted, there could have been no doubt.

18. Burnet, like Collier and Fuller, is silent on the question, but considering the nature and extent of the changes

[45] Eccl. Mem. II. p. 87. What the revision committee, appointed by convocation in 1543, had agreed upon, was doubtless presented to the lower house, according to their request, in November, 1547, and so Strype is accurate if he referred to this committee. See note 19, ante.

[46] Cyprianus Ang. p. 307; and see Hist. Ref. pp. 15, 6.

[47] Synods, pp. 470, 1; Wilk. Conc. IV. 35; Atterbury, p. 199, 200.

made, both in doctrine and in ritual, Heylyn's reason is probably the correct one. Convocation, if formally consulted, would hardly have been unanimous, and as there is no proof that convocation met for business between December 24th, 1547, and January 24th, 1552, it is not easy to see how it can be affirmed that the new liturgy had synodical sanction.

Moreover, as in 1543, the lower house had released its right to the appointment of a revision committee, and as all the members of both the upper houses of convocation had seats in the Lords, and the bishops had always been recognised as the body from whom emanated all definitions of doctrine, parliamentary authority did, as a fact, include the proper "Church" authority, namely, that of the bishops, and so of the two upper houses of convocation, for the manner and place of assent being a thing indifferent, the Act of Uniformity was thus the "Law of the Church and Realm."[48]

[48] In papal times, the definitions had to be approved by Rome.

Heylyn speaks of "the convocation which began in A.D. 1550, when the first debate amongst the prelates was of such doubts as had arisen about some things contained in the common Prayer Book, . . . which, being signified unto the prolocutor and the rest of the clergy, who had received somewhat in charge about it the day before, answer was made that they had not sufficiently considered of the points proposed, but they would give their lordships some account thereof in the following session. But what account was given appears not in the acts of that convocation; of which there is nothing left upon record but this very passage." Hist. Edw. VI. p. 107; and see Joyce, Synods, p. 477. Wilkins, however, quoting from Cranmer's register, has it that in 1548, convocation "ad XXI. diem mensis Aprilis prorogata, ab eo *sine die* prorogabatur; tandem XV. mensis Martii per aliud breve ad quartum diem mensis Novembris continuabatur (Conc. IV. 26); and then, synodus ad diem quartum mensis Novembris prorogata ab eo die per breve regium ad tertium Februrarii seq. et abinde ad XXII. diem Aprilis continuabatur (Id. p. 32), et per breve regium ad XXII. diem Aprilis prorogata, per aliud ad XI. Octobris prox. et ab illo die ad XXI. Januarii et abinde per breve regium dat. primo die Januarii, ad tertium Martii prox. et ab eo die ad XIV. Octobris continuata fuit (Id. p. 60), per aliud ad quintum Novembris, et abinde ad XXIV. diem Januarii prox. prorogabatur, a quo die usque ad dissolutionem ejus, . . . synodus convenit more solito." Id. p. 68. It was dissolved April 16th, 1552. Id. p. 73.

Parliament, with whose meetings those of convocation usually synchronised, met from November 2nd to December 21st, 1548, from January 2nd to March 14th, and from November 4th, 1549, to February 1st, 1550. Then again on April 21st, but only to be prorogued to October 10th, and thence to January 20th, and thence to March 2nd, October 13th, and finally to January 23rd, 1552, when

For the act establishing the new liturgy was enacted by the king, as head of both church and state, and was assented to by the three estates of the realm. Not that, under the Reformation settlement, this formal approval was needful, for after the submission of the clergy, the crown might, in the opinion of some, have set forth a form of common prayer, by virtue of the supremacy, since

whatsoever the king, or his successors, did in the Reformation, as it had virtually the power of convocation, so was it as effectual and good in law, as if the clergy in their convocations particularly and *in terminis* had agreed upon it.[49]

19. In the time of the papal usurpation, the "spiritualty"[50] settled and made all canons, decrees, and laws affecting or regulating public worship, and the consent of the crown or of the laity was neither asked nor thought needful, albeit the canon law was binding on all. But upon the sounder and more constitutional definition of "the Church" as including the laity also,[51] it seemed, and seems, reasonable that all should have a voice in matters of common interest, and that the sanction so given should be amply sufficient, for

since the two houses of parliament, though called by the king's writ

it assembled for business. See Wake's Stat. pp. 494, 5; Parliaments and Councils of England, pp. 207, 8; Introd. to Rev. of C. P. p. XXII. by J. H. Parker, who says of the C.P., "of its preparation we know very little." See App. N.

[49] Heylyn, Ref. p. 41. To the question, whether the deprivation of puritan ministers, by the king's commissioners, for refusing to conform themselves to the ceremonies appointed by the canons of 1603, was lawful. It was held by all the judges and the Lord Chancellor, that it was lawful, because the king had the supreme ecclesiastical power, which he had delegated to his commissioners, whereby they had the power of deprivation by the canon law of the realm, and the statute 1 Eliz. did not confer any new power, but explain and declare the ancient, "That the king, without parliament, might make orders and constitutions for the government of the clergy, and might deprive them if they obeyed not. And the divulging such ordinances by proclamation is a most gracious admonition . . . and forasmuch as they have refused to obey they are lawfully deprived by the commissioners, *ex officio*, without libel, et ore tenus convocati. Cro. Jac. 37; Moore, 755.

[50] Called "the English Church." 24 Hen. VIII. c. 12. Sancta vero Ecclesia sacerdotibus constat. Regino, App. I. can. 27, p. 393.

[51] See Ante. p. 56; and Article XIX.

can conclude nothing which may bind either king or subject in their civil rights until it be made good by the royal assent, so neither is it fit nor safe, that the clergy should be able, by their constitutions and synodical acts, to conclude both prince and people in spiritual matters, until the stamp of royal authority be imprinted on them . . . to make it more agreeable to monarchical government, and to accommodate it to the benefit of both prince and people.[52]

20. The effect of the Act of Uniformity upon previous legislation was to establish, for the time, one only lawful order of common prayer and of rites and ceremonies, to the exclusion of all other existing and customary ones, and no ritual or ceremonial was lawful save that sanctioned, prescribed, and set out in the service book. The book would have ceased to be an uniform order at all if any parson were to be at liberty to vary, subtract from, or add to, the rites, ceremonies, order, and form of prayers therein prescribed.

21. And no other ornaments, save those prescribed in the book, had the "authority of parliament" in the second year of Edward VI. This is beyond all doubt or question; church ornaments had church authority only before the Reformation; parliament had nothing to do with their sanction or use.

22. It is said that,

As to those which were not prescribed by or implied in that book, they must be determined by the existing usage of the time, subject to such modifications as were implied by the injunctions or other authoritative documents up to the year 1548,[53]

[52] Heylyn, p. 41. Since the Reformation, lawful canons bind ecclesiastical persons only in ecclesiastical matters and things. Before the Reformation, all were bound by the Canon Law.

[53] Ritual Conformity, p. 11, 2nd edit. But the compilers appear to have overlooked the fact that the 2 & 3 Edw. VI. c. 1 bound the minister down to say and use the common prayer, "in such order and form as is mentioned in the same book and *none other or otherwise.*"

The ordinary is the judge of what ornaments are lawful, and may order illegal ones to be defaced, or do it himself. Str. 576, 1080; 1 Hagg. Con. 207; 3 East. 217. The parish are bound to find the lawful and prescribed ornaments, and to repair them, the property in them being in the churchwardens, the minister having only the use. As to ornaments which are not prescribed—such as seats, bells, &c.—the churchwardens, with the consent of the parish and the ordinary, may

and that if only the ornaments prescribed were lawful, many things would be excluded which

common sense and custom have sanctioned; and if the doctrine that "omission is prohibition" be insisted on, would actually shut out organs or harmoniums, hangings on doorways, seats for priests, clerks, and people, stoves, hassocks, and pulpit cloths or pulpit cushions, pews, Christmas decorations, and the use of a pulpit except for the Communion service; it would forbid any bishop to officiate publicly on any occasion without a cope or vestment and pastoral staff. On the other hand there seems to be a limit to laxity . . . and that it cannot, unless this laxity be strained beyond the bounds of reason, be taken to admit of the substitution of other ornaments for those which the rubric enjoins.[54]

provide, but are not bound to repair them. But the consent of the parish does not seem to be needful for the erection of ornaments that are not prescribed but, in the judgment of the ordinary, needful for the proper performance and conduct of the service, consistently and according to the rules and laws made and laid down. 1 Salk. 164; 3 Barr. 1689; 1 Hagg. 198; 3 Hagg. 4, 8, 11.

[54] Id. p. 11. Neither "organs or harmoniums" were amongst the ornaments ordered by the first book of Edward VI. Indeed, the "anthems, responds, invitatories, and such-like things," were "cut off," as is explained in "The Preface." Organs were, however, in use in the sixteenth century, for Wolsey, in the new statutes made for the Augustinians in 1519, had directed that "psalmos et alia ad divinum cultum pertinentia . . . distincte, plane et devote cantent, but in the case of masses "de beata virgine, de nomine Jesu, et consimiles, quae extra chorum . . solemniter cani solent, per viros seculares etiam laicos ac pueros cum cantu fracto seu diviso et *organis* decantari facere valeant," whilst forbidding "pricksong" or elaborate singing in the choir. Wilk. Conc. III. 686. In the thirteenth century Aquinas rejected instrumental, but admitted vocal music. "Neque fistulas, neque aliquod aliud artificiale organum, puta citharam, et si quid tale alterum est, sed quaecumque faciunt auditores bonos. Hujusmodi enim musica instrumenta magis animum movent ad delectationem, quam per ea formetur interius bona dispositio." And he adds that music was only used under the old law, because of the hardness and carnality of the Jews. Sum. II. ii. § 91, art. 3, tom. IV. p. 647, Ed. 1875. It is thus certain that musical instruments were not lawfully used in churches in his time. And we are told, "The teaching of this man has truth of propositions above all others, so that they who hold to it, are never found to have deviated from the truth," and that the *summa* was placed at Trent upon the altar beside, and so made of equal authority with, the Gospels. Encyc. Leo. XIII. Aug. 4, 1879.

Moreover, "missam cantare" did not anciently mean "to sing," but "recitare" or "to say mass," as Mabillon points out. The primitive Church, however, rejected all meretricious aids and profanities. Not till overcome by the world it

23. But it is clear that in laying down general rules and directions for uniformity of public worship, incidental matters and questions of detail, as to how these rules and directions are to be carried out and obeyed, must be left to be dealt with as they arise, and by the proper authority. The direction to kneel is obeyed, both in the spirit and in the letter, whether the kneeling be on the ground or on a hassock. All acts, matters, and things, which in themselves are wholly indifferent, and do not imply or involve any departure, either in the letter or the spirit, from the prescribed order and form of public worship, such, for instance, as those which are personal to the comfort or convenience of the minister or people (as stoves, seats, hangings to doorways), are best disposed of by the ordinary and upon the merits of each particular case,

had once vanquished did the invisible and spiritual give place to the material and sensual. The reverent care of early times was such and so great, that, as Mamachi remarks, "Non solum templa et aras et simulacra abominantur, sed etiam parati sunt mori, ubi se dederit occasio, ut suam Dei summi notionem ab aliqua ejusmodi impietate intaminatam servent. Origines et Antiq. Christ. III. 85. See Mabillon, Pref. on Acta, SS. Sec. II. Sect. IV. § 36, p. 68; Maskell, Anc. Lit. p. XII.; Gibson, p. 365; Du Cange, s.v. *Cantare*, 2; Macro. s.v. *Cantor*, *cantus*; Zaccaria, Onom. s.v. *Cantare*, *cantor*, *cantus*. Georgius says that Gregory the Great, "ut omnes norent," instituted "plain song" and a *schola cantorum* at Rome in A.D. 595. Thence Augustine introduced it into Britain, and Pepin into France in A.D. 754. Lit. Rom. I. pp. CIX., CXI.; III. c. iii. p. 20; Macro. & Zaccaria, s.v. Organum; Bull, Rom. Bened. XIV. A.D. 1749, tom. XVIII. p. 9, &c.; Cutts, pp. 306, 8; Les Arts, &c. (Lacroix), pp. 201, 2, 8, 210—212; Origines, &c., s.v. *Orgue*; Theophili. Lib. III. c. 82, pp. 344—351. The injunctions of Queen Elizabeth, set forth under her statutory power to take "further order," direct "that all ministers and readers of public prayers, chapters, and homilies, shall be charged to *read* leisurely, plainly, and distinctly." Card. D.A. I. p. 199, § 53; and see the Visitation Articles, Id. p. 216. In collegiate or parish churches which had funds bequeathed for the maintenance of a choir, "a modest and distinct song" was to be used, but so plainly "as if read without singing," and at the end of morning and evening prayer "a hymn, or such-like song," might be sung. Card. D.A. I. p. 196, § 49; and see Staveley, Eng. Churches, pp. 203—7. Organs are of very recent use in English parish churches. As to churches abroad, see Lubke. pp. 208—211, and Ciampini, De Sac. Oed. Pl. XVI., for plate of organ placed by Alex. VI. in the Vatican Basilica, at the close of the fifteenth century. The organ is not a church ornament, and its use till a late period was mostly confined to cathedrals and other churches, where there were endowed choirs. See Pinnock, Laws, pp. 705—720. When lawfully erected, its control is in the minister. 3 Phil. 90; 1 Hagg. 175.

subject to the laws and rules laid down in the common prayer and elsewhere, for the discretion must be both prudent and legal, and is subject to an appeal.

24. The ornaments of the church and minister that had parliamentary authority in the second year of Edward VI. were:

Of the minister, in parish churches and chapels, at matins, evensong, baptising, and burying,

1. A surplice, but in cathedral or collegiate churches and in the quire, graduates might wear their hoods.

2. In all other places the minister to be at liberty to use any surplice or not, but preachers,[55] being graduates, to wear their hoods.

At communion,

3. A white albe, plain, with a vestment or cope,[56] any assistant priests and deacons to wear albes with tunicles.

[55] The surplice was not ordered for preachers.

[56] "A vestment or cope," like "a cope or vestment," means grammatically one and the same thing. The cope, and not the chasuble, was known as "the principal vestment." To prevent mistakes the compilers added, "or cope." In the Constitutions of Winchelsea, we meet with it as "vestimentum principale cum casulâ," meaning the best cope worn on principal feasts. Amongst so great a number and variety of vestments, it was needful to distinguish the one meant with accuracy, and so it is "a vestment or cope." Lyndw. p. 251. Dr. Rock, remarking on the substitution of the cope, the choral and festival vestment, for the chasuble, or sacrificial one, says, "We should remember that the Church, especially in the western parts of Christendom, has, ever since she adopted this robe, looked upon it pre-eminently as her processional, in the same manner as she has always deemed the chasuble, her sacrificial vestment." And he adds, "A love for what was new, not only in belief but in ritual, and the strongly felt wish of going against Catholic antiquity must have whispered the name of the cope as a vesture for the priest that shall execute the ministry of the holy communion." Ch. of our Fathers, II. pp. 44, 5, n. 76. If so painstaking and enthusiastic an antiquarian as Dr. Rock was taken in, in the matter of "Catholic antiquity," others may be forgiven a like mistake. Between modern and Tridentine Rome and "Catholic antiquity," there is a gulf fixed, too wide ever to be bridged over. The Popes and the Curia long ago abandoned Christianity and "Catholic antiquity," both in doctrine, ritual, and ceremonial. The name, indeed, has been retained, but the ancient faith and practice has gone. The Reformation was a great step towards regaining and restoring both. A plain albe was one without the "apparels."

Dr. Rock's unconscious error was the "Will-o'-the-Wisp" of the "Oxford movement" of 1833. Dr. Lloyd, afterwards Bishop of Oxford, who was Regius Professor of Divinity and the intimate friend of certain French refugee priests,

4. On Wednesdays and Fridays, after the Litany, a plain albe or surplice, with a cope.

For bishops, at the communion or other public ministration,

5. The rochette, with a surplice or albe, and a cope or vestment, with the pastoral staff in his hand, or else borne by his chaplain.

Of the church,

6. Altars,[57] with the corporas, chalice and paten for communion,

was, according to a Roman writer, one cause of what has been termed, "the Catholic revival." We are told that, "when he became Regius Professor of Divinity, he gave a course of lectures, unusual in their subject, and still more in their development. His subject was, 'the history and structure of the Anglican Prayer Book.' His manner of developing the subject was that of a catholic, and points at once to his familiarity with the French customs of the ecclesiastics," the first principle being that the Prayer Book was, as was to a great extent the fact, a mere compilation from the Missal and Breviary, and hence the examination of these works became the leading feature of his lectures; and Booker, of Bond Street, was aghast at the sudden demand for these curious specimens of antiquity. It does not seem to have been suspected that, in matters of ritual and ceremonial, the Tridentine and modern Roman service books are the latest of all novelties, and, as a fact, a departure from, and a violation of, Catholic antiquity and primitive use. What was said at the Vatican Council of the nocturns ("Lectiones II. nocturni de vitis Sanctorum, vel rationibus festorum, non raro ea continent, quae veritati historicae opponuntur;" Documenta Vat. by Friedrich, I. p. 288) is true, in this respect, of the whole.

The effect of the lectures has been well described by Oakeley. "Impressions favorable to the Roman Church, and strongly adverse to the Reformation," were received, and in later years the Reformers and the Reformation were abused after the fashion of the most violent Roman partisans. The impression created was fostered and, help being providentially at hand, the way into the one fold was soon found and smoothed for the more advanced seekers, the Gorham judgment deciding others who had till that time remained in the Anglican communion. Hist. of the Church in England, by Flanagan, II. 453—455; Oakeley's Personal Reminiscences, pp. 4, 6.

[57] No order had yet been given for the removal of "altars," and so the mere material structure had parliamentary authority in 1548. But as "altars" they were gone. The "Lord's table," the "Lord's board," had, in intendment of law, taken their place. Not being, strictly speaking, an "ornament," it was not retained by Queen Elizabeth's Act of Uniformity. The communion table would, however, be an ornament of the Church. Liddell *v.* Westerton. Brod & Free, pp. 129, 130, 144, 145; and see Van Espen, Jus Eccl. Pars. II. Tit. XVI. c. 22—32, p. 480; Macro. s.v.; Dodd, I. pp. 349—355.

or some fair or convenient cup instead of a chalice, or some other comely thing instead of the paten.

7. A poor man's box.

Of ceremonies,

1. The eastward position, the mixed chalice, the unction and sign of the cross in baptism, were retained.

2. The "holy bread" to be as before, but without any manner of print, and something larger and thicker than it was, so that it may be aptly divided into divers pieces . . . by the discretion of the minister, from whom the people were to receive in "their mouths."

3. Kneeling, crossing, holding up of the hands, and knocking on the breast were left indifferent.

4. Elevation was forbidden, but reservation for the sick was permitted; extreme unction was also retained.

25. Immediately after the Act of Uniformity passed, a new visitation was ordered, and a set of injunctions issued.[58] They enforced the new order of the Prayer Book, and amended the previous royal injunctions. They directed, amongst other things,

1. That all parsons, vicars, and curates omit in the reading of the injunctions all such as make mention of the popish mass, of chantries, of candles upon the altar, or any such-like thing.

2. Item. For a uniformity, that no minister do counterfeit the popish mass, as to kiss the Lord's table, . . . ringing or sacrying bells, or setting any light upon the Lord's board at any time; and finally, *to use no other ceremonies than are appointed in the king's book of common prayers*, or kneeling otherwise than is in the said book.

26. The act for uniformity was soon followed by one to "take away all positive laws against the marriage of priests."[59] This very needful measure restored the clergy to themselves, humanity, and the state. Convocation had already affirmed the principle sanctioned by the act.[60] To its beneficent pro-

[58] Wilk. Conc. IV. 32; Burnet, Hist. of Ref, II. p. 78; Cardw. D. A. I. p. 63; Collier, V. p. 313.

[59] 2 & 3 Edw. VI. c. 21, made perpetual by 2 Jac. I. c. 25. The 5 & 6 Edw. VI. c. 12, legitimated the children of all married priests.

[60] Ante, p. 81.

visions, finally established amongst us, the social, moral, and intellectual superiority of the English clergyman is greatly due. The act recited that forasmuch as

such uncleanness of living, and other great inconveniences,[61] not meet to be rehearsed, have followed of compelled chastity, and of such laws as have prohibited those (such persons) the godly use of marriage,

and it repealed "all and every law and laws positive, canons, constitutions, and ordinances heretofore made by authority of man only, which do prohibit or forbid marriage to any spiritual person or persons"; but persons intending marriage were to be asked in church and to be married according to the form prescribed in the Common Prayer Book.

On December 28th, John Ashton, a priest, was summoned before the archbishop, at Lambeth, for heresy, and there, in his presence and that of Dr. Cooke, his chancellor and official principal, recanted.[62]

[61] "The greatest blemish," says Collier, "drawn upon the clergy before the Reformation, was their entertaining women under the character of concubines. For this practice they had a licence from their bishop." Hist. v. p. 294. The bishops also, with the papal sanction, licensed stews, and the very Lateran itself, "sanctorum quondam hospitium," became in the tenth century, under John XII., a "prostibulum meretricum." The custom of concubinage appears to have been well nigh universal, and the *focaria* of history (the ubiquitous *concubina* of the councils), dropping the name, was, in fact, a wife. The modern representative seems to be the *cuigina* whose unexpected apparition so shocked and startled Mr. Ffoulkes.

The practice received the highest sanction. In 1497, Giulia Bella had presented the Pontiff with a son, who, having been paraded in public and made conspicuous at church ceremonies, tempted Savonarola to remark, "We no longer hear in high quarters of my nephews and nieces, but of my little son and my little daughter. Women of ill fame are paraded at St. Peter's, and every priest has his concubine." Serm. XII. sup. Exod. p. 143. It was the natural result of the unnatural prohibition of "the sacrament" of "holy matrimony." See Burnet, H. R. II. pp. 68—71. In the Diocese of Bangor, the old rule appears to have prevailed long afterwards. Strype, Parker, p. 203; Eccl. Mem. II. p. 228. The unsavoury subject has been dealt with at large by an American writer, H. C. Lea. If the Reformation had effected but the abolition of clerical celibacy, it would have done a great and useful work. See the first decree of the council of Edinburgh in 1549. Wilk. Conc. IV. p. 47; App. C.; Aylyffe, p. 357; Lyndw. Const. pp. 41, 92; Degge, pp. 138—141; Luitprand, Lib. VI. c. 6, p. 215; Labbe, XI. p. 881; Labbe & Coss. IX. p. 641.

[62] Wilk. Conc. IV. pp. 40—42; Strype, Cran. p. 179.

27. A.D. 1549. Parliament was prorogued on March 14th to November 4th. On April 30th, Joan Boucher was sentenced to be burnt for heresy by Cranmer, who with Dr. Cooke, the dean of the arches, Latimer and Dr. Lyell, were the delegates present.[63] On May 11th, Michael Tombe, a butcher, "was convented" for heresy before the Primate, Dr. Cooke, and Drs. Lyell and Croke, the king's delegates, sitting at Lambeth, and there publicly recanted.[64]

In June, licences to preach were issued by the Privy Council,[65] and on July 23rd, a king's letter was directed to Bonner, reproving him for his negligence in the use of the new service book.[66] This letter, to which we have already referred, was, it would seem, a circular one, and sent round to other, if not all the bishops.[67]

On September 8th, a royal commission was issued to Cranmer and the Bishop of Rochester, with the two secretaries, Sir W. Petre and Sir Thomas Smith, and Dr. May, the dean of St. Paul's, to examine Bonner for neglect and contempt of the king's letters and injunctions, as well as all other matters of complaint, with power to "suspend, excommunicate, commit to prison or deprive," or to "use any other censure ecclesiastical," that the offence should appear to

[63] "Commissariis regiis, in hac parte sufficienter et legitima constitutis et deputatis." Wilk. Conc. IV. p. 42; Strype, Cran. p. 181. A special commission had been ordered, on April 12th, for the discovery and examination of heretics, the anabaptists being more especially aimed at. The delegates were the primate and six bishops, with Sir W. Petre, Sir T. Smith, Doctors Cox and May and other laymen, three to form a quorum. Burnet, II. p. 85, who refers to the Rot. Pat. Par. 6, 3, Reg. Strype, however, giving a full list, puts the date as January. Eccl. Mem. II. p. 484. "The significavit" to the king, of Joan Boucher's conviction, was issued by Cranmer at once. Collier says, erroneously, that it was transmitted to the king's bench; and Stubbs speaks of it as though it were a writ, which it was not. Wilk. Conc. IV. pp. 43, 44; Collier, V. p. 375; Stubbs, Const. Hist. III. p. 353; Eccl. Mem. II. p. 214.

[64] Wilk. Conc. p. 42; Strype, Cran. p. 180.

[65] Strype, E. M. p. 168.

[66] Wilk. Conc. IV. p. 35.

[67] Strype, E. M. II. p. 211; ante, p. 90.

merit.[68] Bonner had been previously summoned before the Privy Council when written injunctions were given him, and these appear to have been disobeyed. Burnet gives an account of the proceedings. Exceptions having been taken to the commission, another was prepared and issued on September 17th; Bonner, however, still called the delegates "his *pretended* judges," and insisted upon it, "that the king was as much a king, and the people as much bound to obey him, before he was of age, as after it," and appealed to the king. The appeal not being allowed, Cranmer, on October 1st, pronounced sentence of deprivation. The sentence was, however, censured as not canonical, being by a commission from the king, in which secular judges were mixed up with the condemnation and deprivation of a bishop.

28. On November 4th, parliament met, and continued to sit till its prorogation on February 1st. Convocation, which had been prorogued to November 4th, was, as we have already seen, again prorogued to February 3rd, 1550.[69]

The Act of Uniformity being negligently observed, through the old Service Books being used, the 3 & 4 Edw. VI. c. 10 called them all in, and forbade their use for ever in the realm. The order of Common Prayer lately set forth is said in the act to be so set forth by the king, with the authority of parliament, and to be

agreeable to the order of the primitive church, much more comfortable unto his loving subjects than other diversity of service, as heretofore of long time hath been used, being in the said book ordained nothing to be read but the very pure word of God, or which is evidently grounded on the same;

and "all images of stone, timber, alabaster or earth, graven, carved, or painted, which heretofore have been taken out of

[68] Wilk. IV. p. 36; Card. D. A. I. p. 69; Burnet, II. p. 93—98; Strype, Cran. p. 189; and see Collier, V. pp. 338—351; Dodd, I. pp. 436—443, 492.

[69] Ante, p. 90, n. 48. The following entry occurs under Nov. 4th, in the House of Lords' Journals: "Hodie assignatus est dies veneris pro conventu episcoporum et aliorum ejus ordinis ecclesiasticorum, habendo in ecclesia Divi Pauli." p. 355.

any church or chapel, or yet stand in any church or chapel," are ordered to be "defaced and destroyed," upon forfeit of twenty shillings for the first offence.[70] An exception was made in favour of images or pictures upon tombs, other than those of reputed saints.

29. The 3 & 4 Edw. VI. c. 12, provided for the exclusive use of such new ordinal,

as by six prelates and six other men of this realm learned in God's law, by the king to be appointed or assigned, or by the most number of them shall be devised for that purpose and set forth under the great seal before the first of April next ensuing.[71]

A committee of twelve learned men, half bishops and half divines, were appointed by the king, but their names are unknown, Heath, bishop of Worcester, being the only one mentioned. It does not appear to have been, as Heylyn says, the same committee that had composed the Liturgy, for seven bishops sat upon that, and only six on this, whilst Heath was not one of the seven; nor had convocation anything to do with the matter, as Atterbury suggests, for it was prorogued to April 22nd, as we have already seen.[72] Nor was there any need to consult it in matters of ritual any more than in those of faith and doctrine. The presence of presbyters, as constituent members of provincial synods, is an anomaly and a violation of the general rule, their right to sit and consult being properly confined to diocesan synods.[73]

[70] The Edwardian injunctions of 1547, like the Elizabethan of 1559, had ordered the destruction of all pictures and paintings, together with all other monuments of pretended miracles, idolatry, and superstition, that were either on walls or in windows. Both the act and the injunctions were a return from the profane imagery of Rome to the reverent and ancient usages of the Christian Church. Card. D. A. I. p. 17, 189. Five bishops opposed the act. Burnet, II. p. 109. See App. O.

[71] The Bishops of Durham, Carlisle, Worcester, Chichester, and Westminster protested. The last named bishopric was suppressed on April 1st, 1550, and the diocese united to that of London. Collier, v. p. 365.

[72] Strype, Cran. p. 192; Collier, v. p. 365—375; Burnet, H. R. II. 109—111; Heylyn. Hist. of Edw. VI. p. 83; Atterbury, Rights, p. 203; Wake, State, p. 495.

[73] Johnson, Vade Mecum, I. 153.

All the bishops, too, who made up the two upper houses of convocation, and to whom the settlement of church doctrine and formularies of faith belonged, having seats in the great council of the realm, and matters and questions of the kind being, in practice and as a fact, left in their hands, the authority of parliament included all lawful and needful church authority in such matters and things.

If "the Lords spiritual" were not identical with the upper houses of convocation, there might be some just ground of complaint of legislation in church affairs by a purely secular parliament, but, as things are, the objection that legislation of the kind affecting church matters generally is "unconstitutional" is unintelligible, where all necessary interests are represented. It is the rejection of "parliamentary authority" and not the authority itself that is "unconstitutional"; a leading principle of the Reformation in such matters being the voluntary surrender by convocation, as representing what was then called "the English Church," or the "spiritualty," of that exclusive right of legislation in spiritual and ecclesiastical matters, and independently of the state, that existed during the time of the Papal usurpation.

The principle adopted in the compilation of the new Ordinal, was, we are told, the striking off the additions of later ages and the observance of the forms of the ancient Church.[74]

Heath refused to subscribe to the alterations made, and was, on the 8th March following, committed to the Fleet, having been called before the council on February 8th. This, however, did not affect the validity of the form, as the statute required the consent of the majority only; and it appears to have been used without any further confirmation till 1553, when it was annexed, with some few alterations, to the second Prayer Book.[75]

[74] Collier, v. p. 366—374; Heylyn says the rules of the fourth council of Carthage were followed. Hist. Edw. VI. p. 83.

[75] Collier, v. pp. 365—373; Burnet, Hist. Ref. II. pp. 109—111; Strype, Cran. p. 192.

An examination of the Roman, Sarum, and Exeter Pontificals, with the new Ordinal, and the comparison of the Roman and Sarum Missals with the Book of Common Prayer, shews how vital and fundamental a change in all points the Reformation had brought about, and how great a step had been taken, both towards the restoration of the primitive and catholic use and teaching, and how nearly complete was the rejection of Roman error and innovation in all points where Rome had departed from the faith and practice of the primitive Church.

30. In the ordination of deacons and priests, each was to wear a plain albe only, but the gospeller, appointed by the bishop, was to put on a tunicle. To the deacons the New Testament was delivered, with authority to read and preach the gospel in the church, if thereto "ordinarily commanded." To the priests the Bible and chalice with the bread, and authority "to preach the word of God and minister the holy sacraments" in the congregation. No other vestments were placed upon them or worn.[76]

At the consecration of a bishop, the surplice and the cope were the only vestments worn by all the bishops, and after the imposition of hands and of the Bible on the neck of the bishop elect, the pastoral staff was put into his hands; and the service closed with the communion.[77]

[76] All preachers must be licensed by the ordinary. Under the Sarum use, both priests and deacons came "cum vestibus suis." The bishop placed a stole on the deacon's left shoulder and delivered to him a copy of the gospels and a dalmatic. His office was said to be "ministrare ad altare, evangelium legere, baptizare et praedicare." That of the priest, "offerre, benedicere, praeesse, praedicare, conficere et baptizare." The ceremonies were the imposition of hands and the placing a stole on the right shoulder, then the clothing with the chasuble, "vestem sacerdotalem," the unction and consecration of the hands, the delivery of the "patenam cum oblatis et calicem cum vino," with the formula "accipe potestatem offerre sacrificium Deo, missamque celebrare tam pro vivis quam pro defunctis," then the offertory and communion, and before the post-communion, the novel ceremony of the imposition of hands with the pronouncing the formula "accipe Spiritum &c." (which is now held to be of the essence of the service, though unknown for a thousand years), and finally the traction of the chasuble "in sinu per scapulas," the kiss of peace, and the benediction.

[77] At the consecration of a bishop, the bishop elect appeared in all the sacer-

Mr. Estcourt, in his work on *Anglican Ordinations*, very fairly points out the nature and effect of the changes made. He says:[78]

"The continual sacrifice was taken away, and thenceforward a change was made in the rite of ordination of priests by removing everything that expressed the power of sacrifice, and substituting

dotal vestments, save the chasuble, for which a cope was substituted, and was led to the metropolitan to be examined; this done, he was, with the consent "clericorum et laicorum ac conventu totius provinciae episcoporum, maximeque metropolitani auctoritate et praesentia," ordained. The metropolitan afterwards put on the sandals, albe, stole, maniple, tunicle, dalmatic and chasuble, and said, "episcopum oportet judicare, interpretari, consecrare, confirmare, ordinare, offerre et baptizare." After the Litany two bishops placed and held a copy of the gospels on his neck and the other bishops touched his head with their hands; the unction of the head and hands followed, and the gloves were put on; the delivery of the staff, ring, and mitre, with the performance of the mass, closed the proceedings.

A comparison of the ceremonials will shew how very great and significant the changes made really were, and how very few ceremonies were retained. The enthronization, and in the case of an archbishop the reception of the *pallium*, gave occasion for other elaborate services. See Maskell, Mon. Rit. III. pp. 185—302; Pontif. Rom. pp. 13—36, Venice, 1561; pp. 27—95, Rome, 1611; pp. 35—67, Rome, 1869; Exeter Pontif. pp. 84—102; Strype, Eccl. Mem. II. p. 294; Cran. p. 253.

In the revised Ordinal of 1552, as in our present one, all the vestments required in the first, the introits, the appeal to saints, the delivery of the bread and the chalice to the priest, and of the staff to the bishop, were, and are, omitted, and no vestments of any kind are now ordered or required. The staff came into use in the seventh century, the orarium, ring, and staff being then delivered to bishops on consecration, the orarium and planeta to the presbyter, the orarium and albe to the deacon, the paten and chalice to the sub-deacon, on ordination. The Pope does not use one. See Georgius I. p. 253—255; Zaccaria & Macro., s.v. Baculus; Innocent III. De sac. aet. myst. Lib. I. c. 61. p. 78; Scudamore, Not. p. 98. The tonsure, too, was omitted; not that it was ever of any use, for a decree of the "S. C. of S. Rites," dated Sep. 25, 1846, decided that where, in the case of a pupil of the English College, the bishop had shaved off, not the hair of the head but that of a wig, it was sufficient. Coll. des Decret. tom. VIII. p. 157.

[78] pp. 268, 270. 1. Dodd remarks, "there was no anointing,—a ceremony always made use of from the earliest times, without which ordination was doubted, and according to the common opinion invalid. There was no porrection of instruments,—another significant ceremony, generally esteemed to be essential. But, what was still of the greatest moment, there was no form of words specifying the order that was conferred, and particularly, no words or ceremony made use of to express the power of offering sacrifice." Ch. Hist. I. p. 356.

instead thereof the duty of teaching and administering sacraments, ... there is no mention of 'offering and consecrating' among the functions of a priest; but his duty is described under a variety of terms, which go no further than the idea of teaching in one form or another .... everything that expresses sacrifice or sacerdotal functions is expunged."

And, speaking of the Liturgy of 1549, he adds that we find that

every expression which implies a real and proper sacrifice had been carefully weeded out. The offertory prayers are omitted altogether, with the secret prayers, which generally contain a petition in reference to the sacrifice. The canon is so mutilated that only here and there do the words in the two books agree .... and thus, according to this book, there is no sacrifice and no priest, for all the offering there is, is made equally by the people as by the minister, in Luther's sense of all christians having an interior spiritual priesthood to offer up spiritual sacrifices.[79]

And the writer concludes the examination of the history, origin, and meaning of the Book of Common Prayer with the following remark:

"We come to a conclusion, not without pain, because it will appear to be severe to persons who are honestly acting according to the lights of their own conscience. This conclusion is, that those who receive and use the Book of Common Prayer, whether as ministering or as communicating, do by that their formal act make a denial of the Catholic faith in several points, and a profession of various opinions condemned as heresy. They deny the holy sacrifice of the Eucharist. They deny the priesthood of the Church. They deny the real presence of our Lord in the Eucharist."

31. On one point the Ordinal failed to restore the ancient Christian doctrine and practice. This was in the retention of the indicative form of absolution, which, in the new Ordinal, ran thus:[80]

"Receive the Holy Ghost: whose sins thou dost forgive they are forgiven: and whose sins thou dost retain they are retained: and be

[79] p. 320, 339, 340.

[80] p. 179, Parker Soc. ed.

thou a faithful dispenser of the word of God and of His holy sacraments."

The Sarum and Exeter Pontificals read,

"Accipe Spiritum Sanctum: quorum remiseris peccata, remittuntur eis; et quorum retinueritis, retenta erunt."

The Roman form was and is the same, save that "sunt" is substituted for "erunt."

This indicative form of absolution was unknown for twelve centuries, and appears to be an innovation of the thirteenth. It was probably introduced into the Western Ordinals in the thirteenth century.[81]

32. The design of a revision and resettlement of the ecclesiastical laws was now again entertained in parliament, and an act was passed to forward it.[82] It recited that

The king's most excellent majesty, governor and ruler, under God, of this realm, ought most justly to have the government of his subjects, and the determination of their causes, as well ecclesiastical as temporal; yet the same, as concerning ecclesiastical causes having not of long time been put in use nor exercised, by reason of the usurped authority of the Bishop of Rome, being not perfectly understood nor known of his subjects, and therefore, of necessity, as well for the abolishing and putting to utter oblivion the said usurped authority, as for the necessary administration of justice to his loving subjects,

it was enacted that the king should have power during three years to nominate, by the advice of his council, sixteen persons of the clergy, four to be bishops, and sixteen of the temporalty, whereof four to be learned in the common laws of the realm,

to peruse and examine the ecclesiastical laws of long time here used, and to gather, order, and compile such laws ecclesiastical as shall be thought to his majesty, his said council, and them or the more part of them, convenient to be used, practised, and set forth within this his realm, and other his dominions, in all spiritual and ecclesiastical courts and conventions.

[81] See App. P.

[82] The 3 & 4 Edw. VI. c. 11.

33. The revision and compilation, when completed, were to be set forth, published, and declared by the king's majesty's proclamations under the great seal, and "to be taken, reputed, practised, and put in use for the king's ecclesiastical laws of this realm and no other." The king's prohibitions were, however, to be obeyed by the Ecclesiastical Courts, as before.

Cranmer, with nine other bishops, protested against the bill, because probably "only four bishops were appointed to assist in the committee." Hence, perhaps, it was that eight bishops were afterwards nominated with eight divines, two judges, and fourteen others, lawyers and civilians, to sit on the committee. A sub-committee of two bishops, Cranmer being one, two divines, and four laymen, prepared the work.[83]

34. The 3 & 4 Edw. VI. c. 24 confirmed the king's general pardon of all heresies, treasons, felonies, and offences; but the Anabaptists, or those who held that infants ought not to be baptized, or, if baptized, should be re-baptized when of age, with other opinions of the kind, were excepted, and denied the benefit of its provisions.

35. A.D. 1550. Convocation, which had been prorogued to February 3rd, was again prorogued to April 22nd, and thence to October 11th, and from thence to January 21st, in the next year. Parliament sat till February 1st, and was then prorogued to April 21st, and thence to October 10th, and again to January 20th, 1551.

36. On February 4th, the primate sent round to the bishops, a circular letter, enclosing the king's orders of Dec. 25th, for the bringing in and destruction of "Popish Rituals," and for the strict observance of the Book of Common Prayer.[84] The king's letter says that

> The book entitled "The Book of Common Prayer and administration of the Sacraments and other rites and ceremonies of the

[83] See the list of both Committees in Strype, Cran. p. 271; Collier, v. p. 363; Wilk. Conc. IV. 69; Card. D. A. I. 95; and see the preface to the "Reformatio Legum," and Strype, Eccl. Mem. II. p. 303.

[84] Wilk. Conc. IV. p. 37; Card. D. A. I. p. 73; Strype, Cran. p. 193; Eccl. Mem. II. p. 212; and see Burnet, II. pp. 88—90, 106, 109.

Church, after the use of the Church of England," was agreed upon and set forth by act of parliament, and by the same act commanded to be used of all persons within this our realm;

but that as divers unquiet persons had noised abroad that the people were to have again their

old Latin service, their conjured bread and water, with such-like vain and superstitious ceremonies, as though the setting forth of the said book had been the only act of the said Duke;[85] we therefore, by the advice of the body and state of our privy council, not only considering the said book to be our act, and the act of the whole state of our realm, assembled together in parliament, but also the same to be grounded upon holy scripture, agreeable to the order of the primitive Church, and much to the edifying of our subjects . . . have thought good to require

the immediate delivery of

all antiphoners, missals, grayles, processionals, manuals, legends, pies, portasies, jornalles, and ordinals, after the use of Sarum, Lincoln, York, or any other private use, and all other books of service, the keeping whereof should be a let to the usage of the said Book of Common Prayer,

upon pain, in case of refusal, of suspension, excommunication, or other church censures.

37. The fall of the Duke of Somerset gave Bonner some hope of a reversal of his sentence, and he accordingly petitioned for a commission of review; whereupon the king appointed one, consisting of Rich, the "Lord Chancellor, the Marquis of Dorset, the Bishop of Ely, the Lord Wentworth, two of the judges, and several other members of the Privy Council, with some common lawyers and civilians," to hear the appeal.[86] It was, however, dismissed.

38. On March 7th, Cranmer ordered a publication of certain royal decrees and ordinances, as directed by the king's letter, under the great seal, of March 4th.[87]

[85] The Duke of Somerset. Strype, Eccl. Mem. II. p. 193.

[86] Collier, V. p. 364; Burnet, II. p. 107; Dodd, I. pp. 421—436.

[87] Wilk. Conc. IV. p. 38.

On April 1st, the See of Westminster was dissolved, and united to that of London;[88] and on April 3rd, Ridley, who, on February 24th, had been nominated bishop of London, took the oath,[89] Thirleby, the bishop of Westminster, succeeding Dr. Reps, the bishop of Norwich. Both were appointed for life. On April 12th, Ridley was installed.[90]

39. On May 2nd, Joan Boucher was burnt alive as an obstinate heretic. The warrant for her execution was dated April 27th, and was issued, upon the primate's significavit, by order of the Privy Council to the Lord Chancellor, who forthwith made out the writ to the Sheriff.[91]

In the early part of June, Ridley visited his diocese, and issued a set of articles and injunctions.[92] These last embodied

[88] Strype, Eccl. Mem. II. p. 213.

[89] Burnet says it was April 1st. Hist. II. p. 114.

[90] Strype, Eccl. Mem. p. 217.

[91] Strype, Eccl. Mem. II. p. 214; Wilk. Conc. IV. p. 43; Fuller, Ch. Hist. p. 398; Burnet, II. p. 86.

The legality of these executions for heresy may well be doubted, for the statutes against heresy, and the ferocious decrees of the canon law, had been repealed and rejected. Moreover, the so-called writ *de haeretico comburendo* was a prerogative writ, and not a common law writ at all, or a writ of course. It was unknown to Fitzherbert, as is plain from the fact that in a copy of the *Natura Brevium*, printed in 1534 by Rastall, four years before the death of that judge, only the two writs, *de excommunicato capiendo* and *deliberando* are given. Rastall's edition, in 1553, of the *Registrum Brevium Originalium* has no such writ, but only the two given in Fitzherbert and two others, *de apostata capiendo* and *de excommunicato recapiendo*. The writ for the arrest and imprisonment of an excommunicate person ran thus: Rex, &c., salutem. Significavit nobis T. venerabilis pater L. episcopus, per literas suas patentes, quod R. propter manifestam contumaciam suam excommunicatus est, nec vult per censuram ecclesiasticam justificari. Quia vero potestas regis, sacrosanctae ecclesiae, in querelis ejus deesse non debet, tibi praecipimus, quod praedictum R. per corpus suum secundum consuetudinem Angliae justities, donec sanctae ecclesiae tam de contemptu quam de injuria ei illata, ab eo fuerit satisfactum. Teste, &c., Nat. Brev. p. 21, 2. The writ *de haeretico comburendo*, inserted in the later editions of Fitzherbert, is nothing more than a copy of the form invented by the clergy for the burning of W. Sawtre, in A.D. 1401, in the same parliament that had enacted, without the assent of the Commons, the 2 Hen. IV. c. 15. Rot. Par. 2 Hen. IV. pp. 459, 467; Cotton, Abridg. p. 409; Strype, Eccl. Mem. II. p. 458; Lyndw. Const. Prov. p. 62.

[92] Card. D. A. I. pp. 77—84; Wilk. Conc. IV. p. 60.

those of the king, put forth in 1549, and required of all curates and churchwardens the setting up of the "Lord's board," not after the form of an altar, but

of an honest table, decently covered, in such place of the quire or chancel as shall be thought most meet by their discretion and agreement, so that the ministers, with the communicants, may have their place separated from the rest of the people, and to take down and abolish all by-altars or tables.

40. These articles and injunctions were put forth by Ridley as ordinary, and on his own authority. Strype, however, notes[93] that, on June 23rd, Sir John Yates went down with letters into Essex,

to see the Bishop of London's injunctions performed, which touched the plucking down of superaltaries, altars, and such-like ceremonies and abuses.

It appears to have been the first serious effort made, by authority, for the total abolition of altars, and the substitution of square wooden tables, to be placed, not where the altar had stood, but in such place of the quire or chancel as was thought meet and convenient for the communion.

Before the orders came out, altars had in many cases been taken away and changed for tables, but all were soon after finally removed under the king's letter, of November 24th, sent round to all the bishops, who appear to have acted very promptly, if the proceedings in the diocese of Ely are to be taken as an example.[94] Heylyn, however, has it that there was

[93] Eccl. Mem. II. pp. 227, 255; Burnet, II. Records, p. 13.

[94] Strype, Eccl. Mem. II. p. 227; Card. D. A. I. p. 89; Fuller, p. 401; Heylyn, Edw. VI. p. 96; Reform. Gleanings, p. 213. Dodd has it that it was chiefly upon Hooper's persuasion that the altar "was removed from the end of the chancel to the middle, that it might appear to be no more than a table . . . . for a table placed in the middle, having no adjuncts, a few ornaments would suffice." Ch. Hist. I. p. 349. Rock tells us that "such was the searching diligence" of the reformers, that not a solitary one of the many thousands of altars that once stood in England can now be pointed out to satisfy the cravings of the antiquarian scholar or architect. Hierurgia, p. 753, n. Some twenty are, however, believed to exist, the exception to the general rule.

no universal change of altars into tables in all parts of the realm, till the repealing of the first liturgy, in which the priest is appointed to stand *before the middle* of the *altar* in the celebration; and the establishing of the second, in which it is required that the priest shall stand *on the north side* of the *table;*

and he quotes Holinshead as making the general destruction of altars as the work of the next year, as it very probably was. In the diocese of Chichester they certainly remained till 1551.[95]

Sometime in this year, according to Fuller, the Psalms were versified by Sternhold, Hopkins, and others; but Collier puts it two years later, and insists upon it that their use was permitted rather than approved of.[96]

41. Now, too, Strype tells us, non-conformists appeared in Essex and Kent, and were "the first that made separation from the Reformed Church of England, having gathered congregations of their own." As the preachers held forth on the week days, letters were sent, on June 23rd and 25th, by the Council to Ridley, to put a stop to it.[97]

On July 24th, however, toleration was granted, by royal

[95] Strype, Eccl. Mem. II. p. 272; Heylyn, Edw. VI. p. 97. The altar, as we have before remarked, was not a church ornament, and was not therefore "retained" under 1 Eliz. c. ii. § 25. The only lawful use is a square moveable table of wood. Burnet refers to the dispute as to the form. II. p. 121.

[96] Ch. Hist. p. 406; Eccl. Hist. v. p. 468. Strype says Marbeck published this year prayers and anthems for the use of the king's chapel. Eccl. Mem. II. p. (267). But see the account of Christian hymnody in the new edition of the Encyclopædia Brittannica, s.v. "Hymn," where the subject is fully and learnedly dealt with by our greatest living authority. We there find that the translation, commonly known as the "old version" of the psalms, followed, and was produced by the French version of Marot and Beza, published or made in 1540. In 1549 Sternhold published thirty-seven psalms, with a dedication to the king. In 1551 a second edition by John Hopkins, a Suffolk clergyman, came out, with seven psalms added. The refugees at Geneva continued the work, the service book, published there in 1556, containing fifty-one metrical psalms, increased, in later editions, to eighty-seven. In 1560 the Genevan collection was brought into use in England, and in 1562, the complete edition of the "Old Version" appeared. It contained forty psalms by Sternhold, sixty-seven by Hopkins, fifteen by Whittingham, six by Kethe, and the rest by Norton (a barrister), Wisdom, Mardley, and Churchyard.

[97] Eccl. Mem. II. pp. 236, 237; Wilk. Conc. IV. p. 62; Card. D. A. I. p. 84.

letters patent, to a congregation of refugee Germans, who had settled in London.[98]

42. On November 24th, the king's letter, to all bishops, for the removal of all altars, to which we have before referred, was issued. It charged and required them to give substantial order throughout all their dioceses,[99]

> that with all diligence all the altars in every church and chapel, as well in places exempted as not exempted, within your said diocese, to be taken down, and instead of them a table to be set up in some convenient part of the chancel, within every such church or chapel, to serve for the administration of the blessed communion.

Day, bishop of Chichester, refused to obey, and on November 1st, appeared before the Privy Council, when time was given him to consider the matter; after several remands, and stating that he could not, on conscientious grounds, honestly submit, he was, on December 9th, committed to the Fleet for contempt, where, for a like offence, the Bishop of Worcester had been sent on September 24th.[100]

43. On December 12th a royal commission was issued to try Gardiner, the bishop of Winchester, for contumacy and wilful non-conformity. The Primate, the bishops of London, Ely, and Lincoln, Leyson (Dean of the Arches), Dr. Oliver, Sir W. Petre, Sir J. Hales, Richard Goodrick, and John Gosnal were the delegates, four to be a quorum. On February 14th following, and after twenty-two sittings, the bishop was sentenced to be deprived. He appealed from the delegates to the king in person, but, as it would seem, without success, for sentence was formally pronounced on April 18th, Poynet being transferred from Rochester on April 26th.[101]

[98] Burnet, II. p. 118; Wilk. Conc. IV. p. 62; Collier, V. p. 376; Strype, Cran. pp. 234—241; Eccl. Mem. p. 240.

[99] Card. I. D. A. I. p. 89; Wilk. Conc. IV. 63; Collier, V. p. 409.

[100] The Bishop of Worcester had refused to subscribe to the new ordinal. Day alleged Heb. xiii. 10, and Isai. xix. 19, as authorities on the point. Collier, V. 414; Strype, Cran. II. pp. 226—230.

[101] Hales was a judge of the Common Pleas, Goodrick and Gosnold were

44. This year, too, it was found needful to send two or three honest gentlemen "for the observation of the communion at St. Paul's, whereof information was given that it was used as is the very mass."[102] The church at Westminster was also freed from its superstitions both in the apparel and books that were still preserved there, a king's letter directing the members of the Church to take away and deface "all manner of garnishments and apparel of silver and gold, such as altar cloths, copes, &c.," and all books of superstition, "as missals, breviaries, processionals, &c."

And the year closed with three bishops in prison, suffering for "conscience sake"; or, as it was perhaps thought, "obedience to the Church's law," Privy Council law being then as unpalatable to them as it is to some in our own time.[103]

masters in Chancery. Gardiner had been, in 1548, sent to the Fleet for contempt of, and disobedience to the king's injunctions; upon promise of conformity he was released, but for other offences was committed soon after to the Tower, where he remained for some two years. Repeated efforts were then made to induce him to conform, but on his declining, on the ground that his conscience would not allow him to do so, the bishopric was sequestered for three months, and as he still remained in contempt, he was deprived. Chron. Jurid. p. 163; Burnet, II. p. 52—54, 115, 126; Fuller, p. 401; Strype, Cran. pp. 220—25; Eccl. Mem. II. p. 238, 483; Collier, V. pp. 411—13; Wilk. Conc. IV. p. 63; Card. D. A. I. p. 86.

[102] Strype, Eccl. Mem. II. pp. 237, 38; Collier, V. p. 417.

[103] See Burnet, H.R. II. pp. 94, 96. They do not, however, appear to have been looked upon as "martyrs" or confessors. In the curious process, now going on at Rome, for the manufacture, by the gross, of the 353 English "martyrs" who suffered between 1535 and 1681, and whose merits have been so long and so unaccountably overlooked, we find *none* between 1544 and 1577, the last in the list being Plunket, the "Archbishop of Armagh," who had the misfortune to prefer fidelity to the curia to loyalty to the state, and suffered, like the rest, with a courage worthy of a martyr and of a holy cause. No one can read the records of the devotion and constancy of those who died—the forlorn hope of Rome—without respect for their honesty and regret for the lives and zeal so wasted and thrown away. "And Paul himself could sit undisturbed in the Vatican, hearing that men were imprisoned, and that blood was poured out in support of a claim which had no better origin, surely he knew, than the ambition of his predecessors and the weak concessions of mortals; he could sit and view the scene, and not, in pity at least, wish to redress their sufferings by releasing them from the injunctions of his decree." Panzani, p. 86. But what Pontiff of mediæval or later times ever knew pity or shewed mercy when the interests of the curia were

Cranmer's first book of the Sacrament was also first published this year, the views of the Reformers on the Real Presence being, if Strype is to be credited, decided by the study of Bertram's celebrated work.[104]

45. A.D. 1551. On January 13th, Hooper appeared before the Council, and was committed to the primate's custody for contumacy. He had been nominated in the previous July to the bishopric of Gloucester, but objected to be consecrated in, or to wear, the prescribed episcopal vestments. The all-powerful Earl of Warwick wrote to the primate on his behalf, and the king followed it by a letter, assuring Cranmer against the penalties of a præmunire, because Hooper wished him to "omit and let pass certain rites and ceremonies offensive to his conscience"; but it seems that neither the primate nor Hooper would give way, and so, on January 27th, Cranmer's endeavours having failed to convince him, he was committed to the Fleet. At last he conformed, and was consecrated on March 8th, the objection to the oath of supremacy being got over by the substitution of another.[105]

46. On January 18th, a royal commission was issued for the strict observance of the Book of Common Prayer, and for the discovery and punishment of the Anabaptist and other heresies. It included the primate, five bishops, five deans, the two secretaries of state, the Dean of the Arches, Mr. Justice Hales, the two masters in chancery, and other doctors and professors.[106]

in the way. See Dodd. Ch. Hist. II. p. 522; III. p. 514; Arsdekin, Theology, III. p. 159; Calendar by Law; Collier, VII. pp. 335, 342—350; Tierney's Dodd. IV. pp. 66—84; Tablet, Vol. 60, p. 846.

[104] Cran. pp. 254, 57.

[105] Collier, V. pp. 377—384, 418; Strype, Cran. pp. 211—16; Eccl. Mem. p. 224; Wilk. Conc. IV. pp. 63, 65, 67; Burnet, II. p. 116. "The regular clergy in those days appeared not commonly out of their own houses, but in their priests' coats with the square cap upon their heads, and if they were of note and eminency, in their gowns and tippets." This habit was "decryed for superstitious, affirmed to be a popish attire, and altogether as unfit for the ministers of the holy gospel, as the *chimire* and *rochet*" were for those "who claimed to be the successors of the Lord's Apostles." Heylyn, Edw. VI. p. 93.

[106] The commission is of importance, as shewing the views held as to the jurisdiction and powers of the crown. It runs,

On the same date another commission went to the primate, the Bishop of London, Leyson, dean of the Arches, Gosnold, the master in chancery, with five others, to try George van Parris, a surgeon, accused of heresy.[107]

47. At this time, too, there were difficulties with the Lady Mary about her conscientious scruples to the use of the reformed liturgy. It gave occasion to the council to point out that, in the revised book,

they had only reduced that which was commonly called the mass to the order of the primitive church and the institution of Christ; with which the king and the whole realm had their consciences well quieted. They added that it had foundation in Scripture upon plain texts, and no glosses, and confirmed by the use of the primitive church; that the greatest change was not in the substance of their faith, nor in any one article of their creed; but only the difference was, that they used the ceremonies, observations, and sacraments of their religion, as the apostles and first fathers of the Church did.

Etsi regibus quidem omnibus qui Christi nomen profitentur, nihil aeque incumbat ac fidem Christianam in suo populo, ac in ecclesiis suae auctoritati regiae subjectis sartam, tectam atque incolumem servare; nobis tamen qui fidei defensor peculiari quodam titulo vocamur, maxime prae caeteris curae esse debet, ut non solum pro viribus annitamur, ut Christi religio quam purissime atque integerrime nostro populo tradatur . . . Et quoniam nos ipsi non possumus ad omnia hujuscemodi in nostra persona obeunda et curanda semper esse in otio et parati . . . . de advisamento consilii nostri praedicti vos selegimus, quibus hanc nostram curam, et hoc tam necessarium munus extirpandae et reprimandae haereseos committeremus. Ad inquirendum igitur de omnibus articulis haereseos cujuscunque, et examinandum omnes et singulos subditos nostros, et alios quoscunque infra regnum et dominia nostra residentes et commorantes de et super haeresibus et erroribus quibuscunque, in fide Christiana suspectos, detectos, denunciatos, inquisitos et accusatos, &c. The commissioners had full power to call witnesses, obtain evidence, and try, excommunicate, and condemn heretics of every kind (leaving obstinate offenders to be dealt with by the civil power), as well as to punish and correct all nonconformists and depravers or despisers of the book of Common Prayer, whether clerks or laymen, in the manner directed by the statute. Card. D. A. I. pp. 91—93; Wilk. Conc. IV. p. 66.

[107] He was convicted and condemned on April 6th, and on the 7th, the "significavit" went. On the 24th he was burnt in Smithfield as an Arian. Wilk. Conc. IV. pp. 44, 45; Stow, p. 1021. The form of "significavit" used may be compared with Cardinal Pole's, where the judges are said to be *Pole's* commissaries. Wilk. Conc. IV. p. 174.

She held, they said, for custom against truth, they for truth against custom.

The details are to be found in Burnet and Strype.[108]

48. In June a royal commission was granted to the Bishop of Chester and five others, doctors and bachelors of laws, to hear and determine a case of divorce, and another for a like purpose to Sir W. Petre, Sir R. Read, and others.[109] On September 27th, a third commission (of laymen) was appointed to try and deprive the bishops of Chichester and Worcester. The delegates were Cholmeley, Chief Baron, Sir R. Read, Masters Goodrick and Gosnold, with the two civilians, Doctors Lyall and Oliver. Both were deprived within a month, and were then committed to the Fleet.[110] On October 20th, another commission appointed the primate, the Bishop of London, Cox, the king's almoner, Peter Martyr, and Rowland Taylor, divines, Traheron, a civilian, with Lucas and Master Gosnold, lawyers, to consider and order the king's ecclesiastical laws according to the statute. It was super-

[108] Burnet, II. pp. 131—135; Strype, Eccl. Mem. II. pp. 249—56; Collier, V. p. 419.

[109] Strype, Eccl. Mem. II. p. 486.

[110] Id. p. 486; Cran. pp, 230, 268; Fuller, V. p. 432; Chron. Jur. p. 163. Day was afterwards sent by the king's orders to the Bishop of Ely, and Heath to the Bishop of London. After two years' straitness, Day wrote to Cecil for his liberty. Speaking of his objections to the taking down of altars, he said: "I sticked not at the alteration, either of the matter (as stone or wood) whereof the altar was made, but I then took, as I now take, those things to be indifferent, and to be ordered by them that have authority. But the commandment that was given me to take down all altars within my diocese, and in lieu of them to set up a table, implying in itself (as I take it) a plain abolishment of the altar (both the name and the thing) from the use and ministration of the Holy Communion, I could not with my conscience then execute." Ellis, Orig. Lett. 3rd ser. III. p. 303. Strype, says, "The See of Chichester being now vacant, upon Bishop Day's deprivation, the altars remained in many churches a good while after. For in May, 1551, a letter from the council was writ into the diocese to this tenor: 'That where, notwithstanding the king's general commandment already passed for the taking down all altars within the realm, divers stand yet in the diocese of Chichester; that substantial order be taken forthwith for the pulling down all altars within the churches and chapels of the said diocese, and for the setting up of tables in their stead, in some convenient place of the chancels, again.'" Eccl. Mem. II. p. 272. Perhaps the year 1552 is meant and not 1551.

seded on November 9th by another, when the Bishop of Ely, Dr. May, and Master Goodrick were substituted for the Bishop of London, Traheron, and Gosnold.[111] A new commission, dated February 2nd following, is also mentioned by Strype. The Bishop of Ely was no doubt included by reason of his intended appointment as Lord Chancellor, upon the resignation of Rich. Burnet comments unfavourably upon this appointment, and is answered by Collier.[112]

49. This year, too, the primate received the king's command to frame "a book of articles of religion for the preserving and maintaining peace and unity of doctrine" in the Church. When finished they were to be set forth "by public authority." The archbishop, in obedience thereunto, drew up a set of articles, which were delivered to other bishops to be inspected and perhaps subscribed. Ridley appears to have aided him in the work.[113] The Common Prayer was also reviewed and amended by the primate, Ridley, Dr. Cox, Bucer, Martyr, and others, Bucer and Martyr having, as it would seem, the greatest hand in suggesting the alterations made.[114] The revision being completed, the book was printed in September by Grafton. On September 27th, an order came to stay its distribution, in order, probably, with a view to a further alteration.[115]

[111] Strype, Eccl. Mem. II. p. 487; Cran. p. 271; Card. D.A. I. p. 95; Wilk. Conc. IV. p. 69. The two last give November 11th as the date. Fuller, p. 420.

[112] Chron. Jur. p. 163; Strype, Eccl. Mem. II. pp. 290, 291; Burnet, II. pp. 139, 140; Collier, V. pp. 445—450.

[113] Strype, Cran. II. p. 272; Burnet, II. p. 127.

[114] Strype, Eccl. Mem. pp. 215, 365, 366; Cran. pp. 210, 266; Burnet, II. p. 129; Collier, V. p. 424; Parker, Introd. pp. xxx.—xxxvi.

[115] Mr. Joyce says, "The Canterbury synod met on October 14th and November 5th next ensuing, and it looks very much as if these meetings were called for the special purpose of considering the emendations referred to previously to the whole work being submitted to convocation and parliament" in January, 1552. Eng. Synods, p. 479. But the meetings in October and November were after the book was printed, and, as we have already seen, like those of parliament, only for prorogation, and not for business. Ante, pp. 88, 91, n. 40, 48. See also Lathbury, Conv. 141, 142.

The further alteration made in the Common Prayer appears to have the inser-

50. A.D. 1552. On January 23rd, parliament, and, on the next day, the Canterbury synod met after their long and many prorogations, both being respectively dissolved on the 15th and 16th days of April following. The York convocation was also dissolved on the same day as that of Canterbury.[116]

As the revised book was already printed, it appears certain that convocation was not consulted as to the alterations made, nor is there any evidence to shew that it was presented to convocation for approval after printing.[117] Be that as it may, the very first day of the meeting of parliament, a Bill was brought into the Lords regulating the coming to divine service.[118] On April 6th, the bill for uniformity of service was read a third time in the Lords, two bishops dissenting, and was then sent down to the Commons, who sent it back on the 14th, when the two bills were consolidated into the one "Act for the Uniformity of Common Prayer and Administration of the Sacraments."[120] To it was added the revised ordinal, which was "to be of like force, authority,

tion, by means of a slip, not however always in its proper place, of the declaration, which had been signed by the king, as to kneeling at the communion. The Council, by an order to the Lord Chancellor, dated October 27th, 1552, had directed it to be done. On November 1st following, the book was, for the first time, used, as directed by the act, by Ridley, at St. Paul's. Strype, Cran. p. 289; Parker, Introd. p. xxxv.

[116] Synodus convenit pro more solito. Wilk. Conc. IV. pp. 68, 73.

[117] See ante, p. 118, n. 115.

[118] "Hodie, *prima vice*, lecta est billa, for the appointment of an order to come to divine service." It was read a second and third time on the 25th and 26th, and then "communi omnium procerum assensu conclusa est," and sent down to the Commons, where it was read a first time on March 30th, and a second time on the next day. See Journals of both Houses.

[119] "3° Lecta est Billa, for the uniformity and administration of the sacraments through the realm, quae conclusa est dissentientibus," the lords Derby, Stourton, and Windsor, and the bishops of Norwich and Carlisle. It was sent down the same day to the Commons, "with a book of the service drawn out by certain persons appointed by the king's majesty for that purpose," annexed thereto. The bill was read a first time on April 7th, and a fourth time on April 14th, and then sent up to the Lords. See Journals of both Houses.

[120] 5 & 6 Edw. VI. c. 1.

and value as the same like foresaid book, entituled the Book of Common Prayer."[121] The declaration as to kneeling would not, of course, have direct parliamentary authority.

Strict conformity was again secured by the provisions of the act, requiring all ordinaries to see to its loyal observance.[122]

51. Very many alterations were made in the new liturgy. Mr. Parker accurately remarks:

> Of the more important changes were, first the vestments for the Holy Communion, which had been specially enjoined in the first book, were forbidden by omitting rubric, and by ordering the surplice which was used for the mattins and evensong to be used at the time of the communion also, and at all other times. Next, the words in the Prayer of Consecration, beginning "Hear us, O merciful Father, we beseech thee, and with Thy Holy Spirit," &c., were considerably modified, and in the same way the words spoken at the delivery of the elements, "The Body of our Lord Jesus Christ," &c., were changed into "Take and eat this, &c." With the same intent also the word "altar" was *throughout* omitted, and the words "holy table" substituted. So also the words "standing humbly afore the midst of the altar" were changed to "standing at the north side of the table," and "turning him to the altar" omitted;[123]

and Strype, speaking of the changes made by the new book, and of the first time it was used, says:[124]

> Dr. Ridley, the bishop of London, was the first that celebrated the new service in St. Paul's church, which he did in the forenoon; and then, in his rochet only, without cope or vestment, preached in the choir. By this book all copes and vestments were forbidden throughout England; the prebendaries of St. Paul's left off their

[121] In this the use of vestments and the pastoral staff was omitted. See ante, pp. 104, 105.

[122] § 2, 3, Rev. ed.; and see 2 & 3 Edw. VI. c. 1, § 2, 3.

[123] Mr. Parker here admits that, in this case, "omission is prohibition." Introd. pp. xxxiv. xxxv.

[124] Cran. p. 290; Stow, p. 1027, who adds, "After the feast of All Saints', the upper quire of Saint Paul's Church in London, where the high altar stood, was broken down, and all the quire thereabout; and the table of the communion was set in the lower quire where the priests sing."

hoods, and the bishops their crosses, &c., as by act of parliament is more at large set forth.

52. The chief alterations made were, as to the ornaments of the minister, that

1. The surplice for ministers and the rochet for bishops were the only vestments or ornaments permitted.[125]

Of the church,

2. The corporas, "massing chalice," and paten were left out.[126]

Of ceremonies, &c.,

3. The eastward position, the mixed chalice, wafer-bread, the sign of the cross in baptism, chrism, exorcism, and trine immersion, prayers for the dead, extreme unction, and introits were abolished, and became unlawful, and the bread was to be received at the table, and in the hands of the communicants kneeling.

4. "Altars" had already gone, and now the name of both "mass" and "altar" disappeared too. Bread was to be used, if possible the best and finest wheat bread that could be gotten, but in default the bread usually eaten at table with other meats.[127]

[125] The new order directed that "the minister at the time of the communion, and at all other times in his ministration, shall use neither alb, vestment, nor cope." See ante, p. 96, n. 56; Collier, v. pp. 425—28, 454—56.

[126] The paten was properly the "cover of the chalice." The word "paten" never occurs but about once or twice in post-Reformation Articles.

[127] The distinction is between different kinds, and not qualities, of bread. In 1552, fine *wheat*, but probably *brown*, bread appears to have been used only by, and at the tables of, the nobility and gentry. The "bread usually eaten" would be barley bread, or else oat or rye cake. In 1596 rye bread and oatmeal was the common household food, even in great families, in the southern counties. In 1626 barley bread was the usual food of ordinary folk. Even in 1750 not more than one-half of the people were believed to use wheat bread; hardly any was, in fact, used at that time in the northern counties of England. In Cumberland, the principal families used a little at Christmas. In 1780 wheat bread was not to be met with in the villages and country districts of Scotland, oat cakes and barley bannocks being the rule, a field of wheat planted in 1727 near Edinburgh being looked on as a curiosity. Everyone usually baked for themselves, in many places in a public bake-house. In 1804 there was not a single public baker in Manchester. The baker's bread was called *horse bread* and *sale bread*, the loaf, weighing about eighteen ounces troy, selling in 1588 for a penny. A very great distinction, too, was made between bakers of the black and white bread, the one not being allowed to interfere with the other, white bread being styled *panis*

5. The table itself was to stand at communion time in the body of the church or in the chancel, and to have a fair white linen cloth upon it, and the priest was to stand or kneel on the north side of it during the whole service.

53. The great difficulty and dispute about the position of the table was thus set at rest; a square table had already been substituted for the oblong "altar," and its position, and that of the minister, was now finally settled beyond all possibility of mistake and dispute. By "standing at the north side," which involved facing southward, could not be possibly meant that the minister was to stand on the west and face eastward; and the universal care taken in the orientation of churches enabled him to comply with the direction with certainty and accuracy.

In the changes made the Reformers sought to still more nearly approach to the catholic usages of primitive times.

The articles agreed upon by the Synod of 1553 say of the new order,[128]

The book which of very late time was given to the Church of England by the king's authority and the parliament, containing the manner and form of praying and ministering the sacraments in the

humanus. McCulloch, Dict. of Com. s. v. "bread"; Hassell, Food and its Adulterations, pp. 157—59; Soc. Hist. p. 449.

The use of pure bread appears to have been insisted on in early times. We find "panem sine fermento," and without salt, ordered. When wafers came into fashion, and the offerings of loaves by the people had ceased, the "altar-breads" or "obleys" were made by the priests or the nuns, and baked in irons, made specially for the work. In the fourteenth century, we find wheat flour ordered, "panis enim consecrandus debet esse triticius." Thorpe, A.S. Laws, II. p. 58, § 17; p. 405; Alcuin, Op. I. p. 107; Burgo, Pup. Oc. cap. iii. fo. 17, a; Wilk. Conc. I. pp. 266, 623; Maskell, Anc. Lit. p. 168. "Altar-breads" were advertised by "the daughters of the Immaculate Conception" at Wells, at one shilling for fifty large or two hundred small. Cath. Calendar, 1879, p. 400, and see Church Times for June 11th, 1880, p. 375. The eulogies or "holy-loaves" were common household bread. Rock, Ch. of Fathers, I. pp. 141—155. Robert of Gloucester, in the thirteenth century, wrote:

> "Sir bishop, why not give us of thy white bread
> That thou eatest thyself at thy mass, in thy fair wede;"

Chron. p. 238.

[128] Sparrow, Collect, p. 51; Wilk. Conc. IV. p. 76; Card. Synod, I. p. 31.

Church of England; likewise also the book of ordering ministers of the Church, set forth by the aforesaid authority, are godly, and in no point repugnant to the wholesome doctrine of the gospel, but agreeable thereunto, furthering and beautifying the same not a little; and therefore of all faithful members of the Church of England, and chiefly of the ministers of the word, they ought to be received and allowed with all readiness of mind and thanksgiving, and to be commended to the people of God.

55. Following after the Act of Uniformity, came other legislation in church matters. The number of holy days and fasts was fixed and limited, the benefit of clergy still further limited, the legality of the marriage of priests re-affirmed, whilst all their children born in wedlock were legitimised.[129]

56. On March 9th, a commission was appointed to try Ferrar, bishop of St. David's, for non-conformity and other offences. The complaint was set out in fifty-six articles, and included charges

for causing a communion table, which had been placed by the official of Carmarthen in the middle of the church (the high altar being then demolished), to be carried back into the chancel, and there to be disposed of in and near the place where the altar stood; for suffering many superstitious usages to be retained amongst the people contrary to the laws on that behalf; but chiefly for exercising some acts of episcopal jurisdiction in his own name, in derogation of the king's supremacy.

Upon the return made by the commissioners, he was indicted at the July assizes, and committed.[130]

57. In September, another was issued to Sir R. Cholmeley, the Chief Justice of the King's Bench, Sir R. Read, Masters

[129] 5 & 6 Edw. VI. c. 2, 3, 9, 10; see ante, p. 98, § 26. The holy days were now reduced to the Sabbath and twenty-seven other days. An act was also passed to prevent fights and quarrels in churches and churchyards. Collier remarks upon it that "the reader may observe that the spiritual jurisdiction" was "managed by parliament, inasmuch as the act decrees that offenders shall be deemed excommunicate, and be excluded from the fellowship and company of Christ's congregation." 5 & 6 Edw. VI. c. IV. § 2; Eccl. Hist. v. pp. 458, 463.

[130] Heylyn, Edw. VI. p. 120; Collier, v. p. 450. Ferrar suffered in Queen Mary's reign, and seems to have been very harshly used in King Edward's.

Gosnald and Goodrick, who, with Dr. Lyall and two other laymen, were appointed to "examine and determine the cause of Tonstall, bishop of Durham, and eight writings touching the same." In October, Tonstall was deprived, his estate confiscated, and he himself again committed to the Tower.[131]

In this last month, too, a third commission was directed to the primate, the Bishop of London, and others, to enquire after and punish anabaptists and others.[132]

Commissions were also issued for the survey of church goods. The commissioners were to leave[133]

> in every parish church or chapel of common resort, one, two, or more chalices or cups, according to the multitude of the people, in every such church or chapel; and also such other ornaments as by their discretion shall seem requisite for the divine service in every such place for the time.

58. A.D. 1553. A new parliament met on March 1st, and the convocations of Canterbury and York on the following day; parliament being dissolved on March 31st, and the convocation of Canterbury on April 1st, but that of York on April 15th, and after a grant of a subsidy to the king.[134]

Fuller says that this parliament meddled with no church matters,[135]

[131] On March 28th, a bill for the bishop's deprivation had been brought into the Lords; it was read a third time on the 30th, and the next day read again and sent down to the Commons, the primate and Lord Stourton dissenting. The bill was "for certain heinous offences by him committed." It does not seem to have been sent back from the Commons, hence probably the subsequent commission. The offence charged was a civil one,—"misprision of treason." The primate took Tonstall's part against the Duke of Northumberland, who had the chief hand in the matter. H. of Lord's Journals; Burnet, II. p. 148; Strype, Cran. p. 288; Eccl. Mem. p. 366; Collier, V. p. 490.

[132] Strype, Eccl. Mem. pp. 365, 489.

[133] Card. D. A. I. p. 101; Wilk. Conc. IV. p. 78; Fuller, p. 417; Collier, V. pp. 494—96. The "discretion" was, of course, to be a lawful one.

[134] Wilk. Conc. IV. pp. 73, 88. There is much difficulty in fixing the exact dates of many facts and events, owing to the difference between the historical and legal years, some writers apparently following the one, and some the other. The historical year has been followed in this work.

[135] Ch. Hist. pp. 420, 421.

save that therein a subsidy, granted by the clergy, was confirmed; such monies being the legacy, of course, which all parliaments (coming to a peaceable end) bequeath to their sovereign. As for the records of this convocation, they are but one degree above blanks, scarce affording the names of the clerks assembled therein. Indeed, they had no commission from the king to meddle with church business, and every convocation in itself is born deaf and dumb, so that it can neither hear complaints in religion, nor speak in the redress thereof, till first *Ephatha, be thou open*, be pronounced unto it by commission from royal authority.

Now the true reason why the king would not intrust the diffusive body of the convocation with a power to meddle with matters of religion, was a just jealousy he had of the ill affection of the major part thereof; who, under the fair rind of Protestant profession, had the rotten core of Romish superstition. It was therefore conceived safer for the king to rely on the ability and fidelity of some select confidants, cordial to the cause of religion, than to adventure the same to be discussed and decided by a suspicious convocation. However, this barren convocation is entituled the parent of those Articles of Religion (forty-two in number), which are printed with this preface, *Articuli de quibus in Synodo Londinensi, Anno Domini*, 1552, *inter Episcopos, et alios eruditos viros convenerat.* With these was bound a catechism, younger in age (as bearing the date of next year), but of the same extraction, relating to this convocation as author thereof. Indeed, it was first compiled (as appears by the king's patent prefixed) by a single divine (characterised "pious and learned"), but afterwards "perused and allowed by the bishops and other learned men" (understand it, the convocation), "and by royal authority commended to all subjects, and commended to all schoolmasters to teach their scholars."

Yet very few in the convocation ever saw it, much less explicitly consented thereunto; but these had formerly (it seems) passed over their power (I should be thankful to him who would produce the original instrument thereof) to the select divines appointed by the king, in which sense they may be said to have done it themselves by their delegates, to whom they had deputed their authority.

59. Of this catechism the authorship is unknown. Its use was enforced "on all schoolmasters and teachers of youth," by a royal injunction dated May 21st, which says that it was

"written by a certain godly and learned man," and when presented to the king, was by him committed for diligent examination "to certain bishops and other learned men," whose judgments he had in great esteem. "The same bishops and learned men, I suppose," says Strype, "that were framing and preparing the Articles of Religion the last year." Strype speaks of a catechism as "allowed by the synod," but whether it was this one or no he is uncertain.[136]

60. The facts relating to the forty-two articles are less obscure, though there is no proof of their formal sanction at any time before issue, or indeed afterwards, by either or both the convocations. They were drawn up and set forth by what Strype terms "public authority," that is to say, by the king's, for it was

in the month of May, 1553, that these articles, agreed upon by the bishops and other learned men, in the synod at London, in the year of our Lord, 1552, for avoiding of controversy in opinions, and the establishment of a godly concord, in certain matters of religion, were published by the king's commandment.[137]

The king's letters, directed to the primate's official, the Dean of the Arches, commanded him to publish them, "in order to take away dissention of opinion," and to require the subscription of the clergy and schoolmasters to them,[138] whilst those to the primate speak of the articles as "devised and gathered with great study, and by counsel and good advice of the greatest learned part of our bishops of this realm, and sundry others of our clergy."[139]

61. That the "articles agreed upon by the bishops and other learned and godly men, in the last convocation at

[136] Liturgies of K. Edw. VI. p. 493; Park. Soc.; Strype, Cran. pp. 293, 272; Eccl. Mem. II. p. 368; Wilk, Conc. IV. p. 79; Collier, V. p. 497; Burnet, II. 166.

[137] Strype, Eccl. Mem. p. 368, who copied from the "Warrant Book." They were also drawn up by the king's orders.

[138] Strype, Cran. pp. 293, 294; Wilk. Conc. IV. p. 79. The dean wrote on June 2nd that he had cited the clergy.

[139] Strype, Eccl, Mem. p. 421.

London," in 1552, means that they were agreed upon by the bishops and clergy of one or both convocations, cannot be contended for a moment. Collier, adopting the view rejected by Fuller, though put forth by Heylyn, thinks "they were passed by some members only, delegated by both houses for that purpose"; but of this there is also no proof, and it is mere conjecture. That there was a synod of bishops and others who agreed upon these articles there can be no doubt, but how, by whom, and when called, and of whom composed, we know for a certainty nothing.[140]

[140] In 1551, the primate received the king's command to compile them; this he did with Ridley's help. They were then sent round to all, or some of the bishops for inspection and approval. On May 2nd, 1552, the Privy Council sent to Cranmer for them, and asked if they had been set forth by any public authority as ordered. In September they were returned to him, and after revision and correction sent back, on September 19th, to the secretaries of state, Cecil and Cheke, but were soon after presented by the archbishop to the king, with a request for their publication and observance. In October they seem to have been in the hands of the king's chaplains for examination, and were returned on November 23rd by the council for the primate's last review. The next day they were sent back again to the council. Convocation met on March 2nd, 1553, and Cranmer was at the council in February, March, and April, but not after June 8th; on one of these occasions, and most likely after a formal assent given, as would be fitting, by the bishops only who were in synod in March, the Articles were formally published by the king's authority and subscribed by the clergy. The king appears to have written to the primate's official principal in May, for on June 2nd he signified to the archbishop that he had cited the clergy—so at least Strype says—but the royal mandate, witnessed by Cranmer, is dated June 19th, and the clergy are therein summoned to appear on and after June 23rd, between seven o'clock and nine in the morning. Card. Synod, p. 1; Strype, Cran. pp. 272, 293, 294; Eccl. Mem. p. 368; Burnet, II. pp. 127—29; Collier, V. pp. 427, 467; Wilk. Conc. IV. 79; Heylyn, Edw. VI. p. 121; Fuller, Ch. Hist. p. 421. They were articles for uniformity, for, as Burnet says, "One notion that has been since taken up by some, seems not to have been then thought of; which is, that these were rather articles of peace than belief; so that the subscribing was rather a compromise not to teach any doctrine contrary to them, than a declaration that they believed according to them. There appears no reason for this conceit, no such thing being then declared. So that those who subscribed did either believe them to be true, or else they did grossly prevaricate," and we may add, perjure themselves. At Rome they were clearly not looked upon as "articles of peace." "Fidem Catholicam perverteret, atque ex Angliâ et Hiberniâ eliminaret," says Spondanus (of Edw. VI.), II. p. 507. Missae Sacrificium abrogatum, vasa sacra, cruces, candalabra aurea, argentea, Regis fisco adjudicata. Imperata sub utrâque specie Communio Eucharistica; vulgaris idiomatis usus in sacra introductus.

Warner says,[141]

It is certain they were never offered to convocation, at least to the lower house, and they were published only by the king's authority. The archbishop's reason probably for not bringing them into the convocation, was, Bishop Burnet says, because his grace had observed many ready to obey orders when they were made, who who would not concur at all in making them.

The majority of the bishops were, however, now favourable to the Reformation, and as the framing of Liturgies and Articles of Faith belongs, as we have noticed, to them only,[142] there was no need to consult the clergy on the matter, least of all convocation, which was not a church synod, but only a clerical parliament called together by the king's writ for purely civil purposes, whatever advantage or use may have, from time to time, or afterwards, been taken or made of the meeting for church or other objects.

62. The articles themselves formulated and expressed many, if not most, of the first principles of the Reformation.

Of the church we read,[143]

The visible Church of Christ is a congregation of faithful men, in which the pure word of God is preached, and the sacraments be duly ministered according to Christ's ordinance in all those things that of necessity are requisite to the same.

The supremacy of the state is affirmed in the articles on "the authority of general councils," and "of civil magistrates."

62. In this year, too, the design of a reformation of the ecclesiastical laws came near to perfection. Fuller remarks hereon[144] that

Haeretici visitatores instituti qui omnia Catholicae religionis monumenta, signa, tesserasque everterent, abolerent. Nat. Alex. VIII. p. 312; and see L'Hist. Eccl. della Rivol. of Pollini, pp. 197—250; Lingard, Hist. Eng. V. p. 170; Flanagan, Manual, pp. 454, 455; Hist. of the Church in England, II. pp. 114, 115.

[141] Eccl. Hist. II. p. 396; Dodd, I. p. 358; Collier, VI. p. 38.

[142] Ante, p. 102, § 29.

[143] Sparrow, p. 46; Card. Synod. I. p. 10; Wilk. Conc. IV. p. 75. Art. 34 sanctioned, as we have seen, the new book of common prayer. See ante, p. 122.

[144] Ch. Hist. pp. 419, 420. The remarks are founded on the preface to the "*Reformatio Legum.*" See Lingard, Hist. Eng. V. p. 180.

when the pope had engrossed to his courts the cognizance of all causes which either looked, glanced, or pointed, in the least degree, at what was reduceable to religion, he multiplied laws to magnify himself; whose principal design therein was not to make others good but himself great; not so much to direct and defend the good, to restrain and punish the bad, as to ensnare and entangle both. For such was the number of their Clementines, sextines, intra and extravagantes, provincials, synodals, glosses, sentences, chapters, summaries, rescripts, breviaries, long and short cases, &c., that none could carry themselves so cautiously but would be rendered obnoxious, and caught within the compass of offending. Though the best was, for money they might buy the pope's pardon, and thereby their own innocence.[145] Hereupon, when the pope's power was banished out of England, his canon law, with the numerous books and branches thereof, lost its authority in the king's dominions.

Hence, the need of a sifting of what was left, and of a "*Reformatio Legum*," whereby and wherein the king's ecclesiastical laws might be restored and clearly set out, "symmetrical to the municipal laws of the land."

63. The king's death prevented the establishment of the carefully prepared code, but though its contents are not legally binding, we are correctly told[146] that

it is of extreme historical value as shewing what were the opinions of our reforming statesmen and divines on the subject treated of, what were the regulations they thought expedient for the welfare of the nation and of the church, what were the intentions of the legislature, and what would have been the authoritative rules of ecclesiastical law and policy if those intentions had been fairly and finally carried out. For it is to be remembered that we have, embodied in

[145] The preface to the "*Reformatio Legum*" has it that, as the end of a comedy is a marriage, so the pontifical laws found their equivalent in cash, the collection of which, as "Peter Pence," is, we are still assured, "*the* work of capital importance, without which there would be for the holy see neither liberty nor dignity, nor any assured means of exercising its divine ministry." Leo XIII. to Bp. of Orleans. The fact stated in Acts iii. 6 presents a favourable contrast, and a condition of things which admits of being tested by results.

[146] The work itself consists of fifty-one chapters or titles. Collier gives a brief abstract. The law runs all throughout in the king's name, and he speaks in person through the whole book. Eccl. Hist. v. pp. 468—490.

the "*Reformatio Legum*," not haphazard thoughts thrown off under stress of time but the well digested results of the most renowned divines and statesmen, undertaken and carried on under the auspices of two proceedings in convocation, of four acts of parliament, of at least two commissions, and under the special directions of two successive sovereigns; and as these labours were statutably originated by the self-same act as that which established the court of delegates, it is surely to the "*Reformatio Legum*" that we may fairly look for an enunciation of the principles and a direction of the practice, which, as was then intended, should govern the court in causes ecclesiastical.

64. Now we find that

in this book, under the title *De judiciis contra hæreses*, the first chapter lays down the gradation of the proceedings in exact accordance with the statute establishing the Court of Delegates, *viz.* "from the bishop to the archbishop and from the archbishop to the crown."[147]

There, however, the matter ended, unless indeed the crown saw fit to grant a commission of review.

With respect to other matters and to appeals therein, the order was, where an appeal was permitted,

from archdeacons, deans, and those who are under episcopal rank but have ecclesiastical jurisdiction, it shall be lawful to appeal to the bishop, from the bishop to the archbishop, and from the archbishop to the king's majesty. When the cause shall have been so referred, we will that, if it be an important one, it shall be decided by a provincial council, or by three or four bishops, to be appointed by us for that purpose.[148]

[147] The expression is, "ad Regalem personam," not "ad nostram majestatem." Heretics and blasphemers were on the same footing. Everyone who affirmed, defended, preached, or taught any heresy, was to be tried, not by the archdeacon, but by the bishop or archbishop, but with an appeal from the bishop to the archbishop, and from the archbishop to the king in person, who would hear it by the delegates. De Jud. con. haer. p. 22.

[148] Ref. Leg. Tit. De Appellat. c. XI. p. 283. Mr. Joyce has overlooked the fact that the title *De Appellationibus* does not refer at all to cases of heresy or blasphemy, but only to certain appeals from archdeacons and others under episcopal rank. The reference by the king to a "provincial council" (not to a convocation), was optional, and to be only "si gravis sit causa," and of this the

65. The "*Reformatio Legum*" ignored convocation, only recognising and making provision for the two usual and lawful church councils and assemblies, the provincial and diocesan synods; whilst it very distinctly affirmed, under the title of the office and jurisdiction of ecclesiastical judges, the fulness of the royal jurisdiction, thus:

> The king has the same and the fullest jurisdiction, both civil and ecclesiastical, over the archbishops, bishops, clergy and other ministers, within his kingdom and dominions that he has over his lay subjects, and can exercise both, since all jurisdiction both secular and ecclesiastical is derived from one and the same fountain,[149]

the archbishops and bishops having ordinary jurisdiction in their dioceses to hear and judge of all offences within their jurisdiction, and if need be to call in the aid of the civil power.

66. The archbishop was to visit his whole province once, and to see to, and visit vacant dioceses. Negligent bishops were to be paternally admonished, and if that did no good, to be deprived. In case of disputes between bishops, the archbishop was to decide, but in any disagreement between the bishops and the archbishop, the king was to decide.

Provincial synods were to be only called to decide grave questions, and then with the king's permission and by his command alone.[150]

67. Diocesan synods were to be held once a year, in the beginning of Lent, and are prescribed as the most salutary means for preserving order and maintaining a good understanding between the bishop and his clergy. Here errors were to be censured, mistakes rectified, differences examined and composed, and most exact and diligent enquiry made concerning ritual and ceremonial conformity, and the laws in such matters enforced. Each presbyter was to give his opinion on questions in controversy, the final decision to be

king would be the sole judge. Provincial synods were only to be called "si contigerit in Ecclesia gravem aliquando exoriri causam," and then only by, and at the will of, the king.

[149] Tit. De officio et Jurisdict. omnium Judicum, p. 190.

[150] Tit. De Ecclesia, c. 17, 18, pp. 102, 103.

with the bishop. Any causes, irregularities, or differences that could not then be disposed of were to be decided in the bishop's court or by the archdeacon at his September visitation. The bishop's decisions, whether given in synod or by his archdeacon at visitation, to be binding and final, subject to an appeal to the archbishop.[151]

68. On July 6th, the king died, having left by his will to the Lady Jane Grey the fatal legacy of a crown. With his death the history of "The Reformation Settlement" closes.

[151] Id. cap. 19—23, pp. 103—5. For the other matters treated of, the reader is referred to the work itself. Lingard terms it "a most interesting document, inasmuch as it discloses to us the sentiments of the leading reformers on several questions of the first importance." Hist. of Eng. v. p. 171; see Dodd, i. p. 355, 356; Collier, v. p. 139.

CHAPTER IV.

THE REIGN OF MARY.

From July 6th, 1553, to November 18th, 1558.

1. "The obstacle of the Lady Jane's title being removed, Queen Mary was crowned on October 1st, 1553," and soon after the "old religion" and way of worship was formally restored, the work of the Reformation settlement all but undone, and the supremacy of the pope and the canon law re-established.[1] Dodd remarks:

It is perhaps an instance we seldom read of in history of so general a defection as there was in Henry VIII.'s reign, unless it was in Queen Mary's, when the nation returned again to the religion of their ancestors, and the change was much more universal. Besides, several circumstances occurred in the former case to lessen the surprise. King Henry contended with the see of Rome about the article of the supremacy, (being orthodox in all other points), and the article was so expounded that the generality seem not to have extended it to an article of faith in opposition to the whole church, so that they might easily be led astray in that particular. But when Queen Mary ascended the throne, a system of religion, consisting of many articles, was renounced in an instant by the whole nation. I may freely say by the whole nation, because the number of those called Reformers was so very inconsiderable that it could scarce be called a party.[2]

2. But "the ancient religion being re-established, the next thing they went upon was to perpetuate the happiness."[3]

To secure this result over 30,000 "heretics," both citizens and aliens, were forthwith driven out of the realm;[4] some

[1] Dodd, I. pp. 446—467. See Persons, Le tre Conversioni, I. p. 191.

[2] Id. p. 448. Dodd's view is hardly borne out by the facts of Mary's reign.

[3] Id. p. 457.

[4] Dodd puts it that they "took pet and went abroad." I. p. 448.

3000 married clergymen promptly deprived; 280 (and probably many more) men, women, and children burnt alive for heresy,[5] and a very large number starved or tortured to death in the bishops' prisons or other jails. Of the numbers who suffered for political reasons, and for complicity with the various risings, no exact account exists. Many were guiltless, but fell victims either to private malice or the indiscriminate vengeance that spared neither age, sex, merit, nor innocence.

3. The steps taken served no doubt for the temporary restoration of the Roman supremacy, but they were fatal to all permanent and good results. The doctrine and system that required such aid needed no other condemnation; and the brief reign of Mary sufficed to destroy for ever all hope of any final and lasting success.

Dodd contends that the legislative power of England was answerable, and that the guilt does not rest on Rome. He says, in apology:[6]

If persecution upon account of conscience is a doctrine to be allowed of; if the legislature judged it proper to revive the ancient laws in that case; if several bishops, clergy, and others were become delinquents by disobeying and deserting the communion of that church in which they were baptised and educated, and, after being reconciled, relapsed again into the error they had renounced, where

[5] In the pale march to death of brave unconquered souls, there were some 184 working men and 55 women. Unable perhaps to argue for their faith, they knew well how to die for it. The number of working men and women who gave their lives to obtain for us our great gains of liberty and freedom is remarkable. Almost the first in the list of confessors stands JOHN BADBY, "arte faber," as Walsingham terms him. He was enclosed in a cask, and, says the chronicler, "*mugitque* miserabiliter inter incendia." His groans moved Prince Henry to pity, and he ordered the fire to be drawn away and the barrel to be opened. The half dead sufferer was offered his life and threepence a day, a large sum then, if he would recant. The offer was refused, and the "heretic" went back, was re-enclosed in his cask, and died. This was in 1410. His offence was the denial of the Real Presence. He affirmed, "quod non est Corpus Christi quod sacramentaliter tractatur in ecclesiâ, sed res quaedam inanimata . . . et eligit potius se comburendum quam sacramento vivifico deferre reverentiam." Walsingham, II. p. 282, Rolls series; Ellis, Orig. Let. 2nd ser. I. p. 89; see Persons, III. pp. 272—289, and App. Q.

[6] Id. p. 463.

this was the case, could there ever be a greater provocation or better grounds to put such laws in execution?[7] All that seems particular in Queen Mary's reign was an excess in the manner, either in punishing, may be now and then, improper persons, a mismanagement those only seem answerable for who were immediately concerned to see the law executed.

4. A.D. 1533. On August 5th, the queen made a formal entry into London. Stow says that the Princess Elizabeth "rode out at Aldgate toward the queen, accompanied by 1000 horse, knights, ladies, gentlemen, and their servants."[8] The bishops who were in prison were forthwith set at liberty. Gardiner was sworn of the Privy Council, and Cox, the dean of Westminster, sent to the Tower, where Sir J. Cheke and others already were. On the 6th, Bonner and Tunstall were released.

On August 13th, owing to a tumult at Paul's Cross at an anti-Reformation sermon, order was taken at the Privy Council for the keeping the peace; and the Lord Mayor was then charged to declare to the common council on the morrow

the queen's highness' determination and pleasure, uttered unto them by the queen's own mouth, in the Tower as yesterday, being the 12th of this instant, which was, that albeit her grace's conscience

[7] "It was," says Lingard, "the lot of Mary to live in an age of religious intolerance, when to punish the professors of erroneous doctrine was inculcated as a duty, no less by those who rejected than by those who asserted the papal authority." But whilst this is no doubt true, a careful enquiry into the origin and history of the laws that fettered and punished liberty of conscience and of thought shews that the guilt of the initiative did not rest with the state. And it was by very slow degrees, even in England, that the principles of a large and really Christian toleration became fairly understood. At the Vatican, both then and now, as the "syllabus" proves to us, they were, and are not even faintly grasped. "Heresy" is still the chief and capital offence, first on the list of all crimes, being "high treason" against God. Hence it is that we sometimes find amongst the bitterest and most ferocious persecutors, men who were personally gentle and forbearing, but in matters of faith bearing only the name, and not having the spirit of Christ. Luke ix. 51—7; x. 8—17; John xvi. 2; Lingard, Hist. Eng. v. p. 227; see App. Q.

[8] Annals, p. 1035, 6; Collier, v. p. 10; Burnet, II. p. 178; Strype, Eccl. Mem. III. p. 17.

is stayed in matters of religion, yet she meaneth graciously not to compel and constrain other men's consciences otherwise than God shall, as she trusteth, put in their hearts a persuasion of the truth that she is in, through the opening of His word unto them by godly, virtuous, and learned preachers, with the rest of that matter.

And at the same council it was resolved to stop all preachers not licensed by the queen's majesty;[9] and on the 15th, the council, by letter to the Bishop of Norwich, stayed all preachers in his diocese, save those licensed by the queen. Several "seditious preachers" were also committed.[10]

5. On August 18th, a "proclamation about religion" was put forth by the queen. It recited the diversities of opinions, the revived contentions of her reign, and the evil reports spread abroad by evil disposed persons, and went on to say that the queen had thought good to make her will and pleasure known to all her subjects as followed. Speaking of the religion she had professed from her infancy, it added,[11]

which as her majesty is minded to observe and maintain for herself by God's grace during her time, so doth her highness much desire, and would be glad the same were of all her subjects quietly and charitably entertained. And yet she doth signify to all her majesty's loving subjects, that of her most gracious disposition and clemency, her highness minded not to compel any her said subjects thereunto until such time as further order, by common assent, may be taken therein.

The proclamation further exhorted all her subjects to live together in quiet sort and Christian charity, leaving those

[9] Burnet, II. p. 180; Council Book, St. Pap. (Burl.), p. 168; Strype, Eccl. Mem. p. 21; and Collier, VI. pp. 11, 12, who goes into a long debate as to the queen's power to stop preaching by a *proclamation*, but it was undoubted. On Aug. 29th a commission was granted to Gardiner to give licenses under the great seal to such as he should think meet and able to preach. Burnet, II. p. 183; Rymer, Foed. XV. p. 337.

[10] Council Book, St. Pap., p. 170. Collier thinks the letter was a circular one, which is not unlikely. VI. p. 12.

[11] Card. D. A. I. p. 103; Wilk. Conc. IV. p. 86; Dodd, I. pp. 445, 540; Strype, Eccl. Mem. III. p. 25.

new-found devilish terms of papist and heretic, and such like, and applying their whole care, study, and travail to live in the fear of God.

6. On the 22nd, the Duke of Northumberland, with Sir J. Gates and Sir T. Palmer, were executed on the Lady Jane's account, and letters were sent to Coverdale and Hooper requiring them to appear before the Privy Council.[12]

On August 23rd, Gardiner was made Lord Chancellor, the seal being taken from the Bishop of Ely. Strype says:[13]

All the matters of the church the queen left wholly to the management of the Bishop of Winchester, whom she now advanced from a prisoner in the Tower to be Lord High Chancellor of England. And indeed the governance of the whole realm was committed to him with a few others. He ruled matters as he would, and that all England knew, and saw plainly what he could not do in one parliament that he did in another.

On the same day "mass began at St. Nicholas, Cole-Abbey, sung in Latin, and tapers set on the altar and a cross."[14]

On August 29th, Hooper, and the next day, Coverdale, appeared before the Privy Council. On September 1st, Hooper, "for considerations the council moving," was sent to the Fleet, and Coverdale ordered to attend the council's pleasure. On the 4th, Latimer was summoned, and on the 5th, a mixed commission of review, mostly laymen, reversed the decision of the delegates, and restored Bonner to his

[12] Strype, Cran. p. 315; Eccl. Mem. pp. 22, 27; St. Pap. (Burl.), p. 173.

[13] Id. p. 173; Collier, VI. p. 14; Dodd, I. pp. 504, 505; Strype, Cran. p. 311. He was a son of Lionel, bishop of Salisbury, and a man of learning, energy, and ability. Upon the restoration of the canon law and the revival of the statutes against heresy, he, together with Bonner, carried out and enforced, with consistent but unflinching severity, both in the spirit and letter, their intolerant provisions. He died in November, 1555, leaving a large fortune. See Godwin, de Præsul. Ang. pp. 236, 237; Dodd, I. pp. 501—7; Collier, IV. pp. 127, 154.

[14] Strype, Eccl. Mem. III. p. 22.

see.[15] On the 6th, the two Chief Justices were heavily fined and set free.[16]

On September 13th, Cranmer appeared before the council, and was remanded to the next day. He had already, in the early part of August, been summoned before and questioned by the council, "about the Lady Jane's business," but escaped with a severe reprimand and a command to keep his house and be forthcoming. Latimer also answered his summons, and was forthwith committed to the Tower "for seditious demeanour," where, on September 14th, Cranmer followed him, on a charge of sedition and treason.[17] The resolution of the Privy Council ran thus:[18]

This present day, Thomas, archbishop of Canterbury, appearing before the Lords, as he was the day before appointed, after long and serious debating of his offence by the whole board, it was thought convenient that, as well for the treason committed by him against the queen's highness, as for the aggravating of the same his offence, by spreading abroad seditious bills, moving tumults to the disquietness of the present state, he should be committed to the Tower, there to remain and be referred to justice, or further ordered, as shall stand with the queen's pleasure.

On the next day, one Robert Mendham, a tailor, was had

[15] Collier says the date of the commission was September 5th, Burnet makes it August 22nd, whilst Strype says the sentence of restitution was read publicly in St. Paul's on September 5th. Gardiner, Tonstal, Heath, and Day were, according to Burnet, restored by commissions. Collier, VI. p. 10; Burnet, II. p. 183; Strype, Eccl. Mem. III. p. 23; Rymer, Foed. XV. pp. 334.

[16] St. Pap. (Burl.), pp. 173, 177, 178, 179; Strype. Eccl. Mem. III. p. 22. A number of clergymen and laymen were also dealt with by the Privy Council.

[17] St. Pap. (Burl.), p. 183; Strype, Cran. pp. 307—314, who says Cranmer refused to fly, although he foresaw the coming storm, and urged others to do so, whilst there was time.

[18] St. Pap. (Burl.), p. 184. The better opinion seems to be that Katherine was never a real wife to Arthur. But upon the consideration of the provisions of the acts then in force, and the fact of the doubtful validity of the will of Henry VIII., the charge of treason against Cranmer seems hardly sustainable. See 28 Hen. VIII. c. 7 (repealing 25 Hen. VIII. c. 22), and 35 Hen. VIII. c. 1, as to the succession. Burnet, II. p. 185; Collier, V. pp. 165, 171; Fuller gives the will. Ch. Hist. p. 243.

before the council, and sentenced to do penance in church, "for shaving a dog in despight of priesthood."

7. On September 16th, orders were sent to the mayors of Dover and Rye

to suffer all such Frenchmen as have been lately living at London and hereabouts under the name of Protestants, to pass out of the realm by them, except a few such whose names shall be signified unto them by the French ambassador, if he do signify any such.[19]

These letters may perhaps enable us to fix the date of the merciless edict commanding all aliens to quit the realm within twenty-four days. It was aimed more especially, as its terms shew, at the "hereticks," who had both preached and taught "innumerable heresies" within the realm.[20]

8. On October 1st, Mary was crowned by Gardiner, Day preaching the sermon. A general pardon was proclaimed, but the prisoners in the Tower and Fleet, with sixty-two others, were excepted.[21] On October 4th, Holgate, archbishop of York, was, "for divers his offences," committed to the Tower.[22]

On October 5th, parliament and, on the next day the two convocations, met. The writs that called both parliament and convocation together still retained the style and title of the

[19] St. Pap. (Burl.), p. 185.

[20] Wilk. Conc. IV. p. 93; Strype, Cran. p. 314; Dodd, I. pp. 448—456. Collier puts the issuing of the proclamation later, V. p. 63. "Thirty thousand heretics were banished the kingdom, comprising Lutherans, Calvinists, Zuinglians, Anabaptists, Socinians, Seekers, and such like." Liguori, Hist. of Heres. II. p. 22, ed. Duffy; p. 404, ed. Rome. "Dicuntur autem ex hoc decreto abisse supra trigenta millia haereticorum, variorum nationum et sectarum." Sanders, De Schism. p. 281. Pollini says, "E dicesi che per vigor di questo bando, se ne partirono piu di trenta mila persone di varie e diverse sette e nazioni." Lib. III. c. xviii. p. 388. Natalis Alexander (VIII. p. 313), Palatio (IV. col. 180), and Pagius (Gesta, VI. p. 331) are to the same effect. Strype says some 800 of those who favoured the Reformation fled to the Continent; both Strype and Dodd give the names of many; and see Collier, VI. p. 20; Burnet, II. p. 186; others reduce the number to 300. The population of England in 1801 was 8,331,434, and 5,575,000 in 1700. Allowing an increase of but one half per cent. per annum, it would be very small in Queen Mary's reign.

[21] Strype, Cran. p. 312; Eccl. Mem. III. pp. 34—38; Burnet, II. p. 187.

[22] St. Pap. (Burl.), p. 188.

supreme head. Parliament was opened with a mass of the Holy Ghost, although the old service books were not yet set aside. The Bishops of Lincoln and Hereford objected, and the former was violently thrust out of the house.[23]

In the Commons, a debate arose upon the case of Dr. Nowell, a prebendary of Westminster, who had been returned member for Looe. An objection was made as to his right to sit, and finally a committee reported that "Alexander Nowell, prebend of Westminster, and thereby having voice in the convocation house, cannot be a member of this house."[24] The only public act passed in this first session was the one repealing and taking away certain acts and treasons, but persons arrested for treason before the last day of September, and those excepted out of the general pardon, were exempted out of the benefit of the statute.[25]

In the convocation of Canterbury the Real Presence and Transubstantiation were discussed, and the catechism approved in the last synod condemned. A discussion on the subject of Transubstantiation was arranged, and the disputants nominated. After October 27th it was "again and again prorogued," and finally dissolved on December 13th by the queen's writ.[26]

9. In the next session another, and a successful, attempt was made to attain the two objects which, as Lingard says, the queen "had principally at heart."[27] The 1 Mar. sess. 2,

[23] Parl. Hist. I. p. 607; Wilk. IV. p. 88; Collier, VI. pp. 20—22, 38; Joyce, Synods, p. 493; Strype, Cran. p. 319; Eccl. Mem. III. p. 38; Burnet, II. p. 187; Lingard, V. p. 198.

[24] H. of C. Jour.; Parl. Hist. I. p. 607. The reason of this we shall hereafter see, but Nowell could not sit and vote in both houses. See Lingard's note, VI. p. 198, correcting a mistake of Burnet.

[25] 1 Mar. sess. 1, c. 1, § 4. See Lingard, on the causes of the prorogation, V. pp. 193, 194.

[26] Parliament was dissolved on December 5th. Wilk. Conc. IV. p. 88; and see Collier, VI. pp. 38—49; Lathbury, pp. 148—150; Dodd, I. p. 446; Joyce, Synods, pp. 496—506; Burnet. III. pp. 195—198; Strype, Eccl. Mem. III. pp. 39—49; Cran. p. 322; Fuller, Book VIII. p. 11. The members of the lower house stood bareheaded all the time they were in the upper.

[27] These were, "to remove from herself the stain of illegitimacy, and to restore to its former ascendancy the religion of her fathers." V. p. 198.

c. 1 declared the queen's highness to have been born in most just and lawful matrimony, and repealed all acts and sentences of divorce to the contrary.[28] The succeeding act repealed a variety of statutes on religion, abolished the Edwardian service books, and restored the mass.[29] It provided that

all such divine service and administration of the sacraments as were commonly used in the realm of England in the last year of the reign of our late sovereign lord King Henry VIII. shall be, from and after the twentieth day of December in this year of our Lord God 1553, used and frequented through the whole realm of England, and all other the queen's majesty's dominions; and that no other kind nor order of divine service nor administration of sacraments be, after the said twentieth day of December, used or ministered in any other manner, form, or degree within the said realm of England or other the queen's majesty's dominions than was commonly used, ministered, and frequented in the said last year of the reign of the said late king.[30]

And the next section enacted

that no person shall be impeached or molested in body or goods for using, heretofore or until the said twentieth day of December, the divine service mentioned in the said acts or any of them, nor for using of the old divine service and administration of the sacraments in such manner and form as was used in the Church of England before making any of the said acts.[31]

[28] In this act, says Lingard, "all reference to the papal dispensation was dexterously avoided." v. p. 199. It will be observed that the decisions of the church and convocation on the matter were thus set aside by parliamentary authority only. See Collier, v. pp. 24, 25; Parl. Hist. i. p. 610; Strype, Eccl. Mem. iii. p. 54; Cran. p. 319; Burnet, ii. p. 188.

[29] It repealed the 1 Edw. VI. c. 1, 2; 2 & 3 Edw. VI. c. 1, 21; 3 & 4 Edw. VI. c. 10, 12; 5 & 6 Edw. VI. c. 1, 3, 12. The abolition of the Edwardian liturgy and legislation and the revival of the old service and ceremonial also rested on the authority of parliament only. None of the changes had any formal "church authority," as it is termed. The reformed liturgy was pronounced "a new thing, imagined and revised by a few of singular opinions. See Joyce, Synods, p. 493.

[30] § 2. This clause sanctioned all the alterations made in King Henry's reign, the erasure of the pope's name, &c. The Sarum Missal, breviary and ritual were afterwards revised and published by Pole. Dodd, i. p. 480.

[31] § 3. The act was not passed without great opposition. See Lingard, v. p. 200, n. 1.

The 1 Mar. sess. 2, c. 3 enacted penalties for disturbing the performance of mass.

10. Thus, "without the consent of the church," were "the corrupt service books of Rome" authorised by civil enactment, the reformed offices set aside and their use forbidden by statute.[32]

The alarm and opposition of the Commons to the proposed Spanish marriage, and the presentation of their very earnest and humble address to the queen not to marry a stranger, served to bring about the speedy dissolution of parliament, which took place on December 6th;[33] the last act being a confirmation of the attainders against Cranmer, the Lord Dudley, and the Lady Jane, his wife.[34] Cranmer had been, on November 3rd, together with the Lady Jane and her husband, arraigned at the Guildhall, and found guilty of treason; this offence the queen afterwards pardoned, resolving to take his life another way.[35]

A day or two after the dissolution of parliament, a royal proclamation, published throughout the kingdom, directed that no one should use the English service or communion after December 20th,

and that no minister that had a wife should minister nor say mass, and that every parish should make an altar, and have a cross and staff, and all things necessary for mass and procession, as holy bread, holy water, palms, and ashes.[36]

Upon the liberty granted by the act, the "popish religion began to be exercised everywhere, according as people stood affected," and "the whole nation," says Dodd, "quietly took

[32] Joyce, Synods, p. 493.

[33] Parl. Hist. p. 613; Strype, Eccl. Mem. III. p. 55; Lingard, v. pp. 200, 201; Burnet, II. p. 194.

[34] Burnet, II. p. 191; Parl. Hist. p. 613; Strype, Cran. p. 320.

[35] Collier, v. pp. 36, 37; Burnet, II. p. 191; Strype, Cran. p. 320. The Dean of Canterbury acted on the archbishop's conviction. Id., and Collier, v. p. 37. Mary appears never to have forgiven Cranmer the part he took in the divorce.

[36] Strype, Eccl. Mem. III. p. 52.

up the ancient practices of their ancestors, as if they had met with no interruption."[37]

11. A.D. 1554. In January this year, the emperor's ambassador arrived in London, to settle the terms of the Spanish marriage. Whatever may have been the feeling of the nation towards the "ancient practices of their ancestors," there can be no question as to their dislike to this. The terms, which had already been discussed between Gardiner and the Spanish ambassador, were soon agreed upon, and a treaty, drawn by Gardiner, concluded. On its signature Gardiner explained and enlarged upon the articles and terms to the lord mayor and aldermen, pointing out the many advantages that would thereby accrue to the realm.[38]

The general distaste to and dislike of the marriage treaty found expression in Wyat's rising, whose ill-success and surrender on February 7th proved so fatal to the Lady Jane Grey, and well nigh so to the Lady Elizabeth.[39]

12. On the 8th, a Te Deum was sung in St. Paul's, and on Sunday, February 11th, Gardiner preached before the queen, craving "a boon," to wit,

that she would now be *merciful* to the body of the commonwealth and conservation thereof, which could not be unless the rotten and hurtful members thereof were cut off and consumed.[40]

The next day the "boon" was granted, and, on the 12th, "Black Monday" began. In the morning Lord Guildford Dudley was beheaded on Tower Hill, and an hour afterwards the Lady Jane Grey, a girl of sixteen, went to her doom. Twenty pairs of gallows were set up at the gates and corners of the streets, and on the 14th fifty men were hanged thereon,

[37] Ch. Hist. I. p. 446; Strype gives an explanation; Eccl. Mem. III. p. 56, and see p. 59, and the facts there stated; also Hallam, Const. Hist. I. p. 103.

[38] Lingard, V. pp. 203, 204; Collier, V. pp. 49, 50; Burnet, II. p. 199.

[39] Strype, Eccl. Mem. III. pp. 82—90; Fuller, Ch. Hist. Book VIII. pp. 13, 14.

[40] Strype. Eccl. Mem. III. p. 91; Knight, Hist. Eng. III. 65. The queen had a narrow escape, and Gardiner was plainly in a terrible fright. Dodd says the queen was disposed to lenity, but was overruled by Gardiner, Bonner, and other leading men of the council. I. p. 461.

so that Noailles was able to write home to his government that "the city was covered with gibbets and the public buildings crowded with the heads of the bravest men in the kingdom."[41] The death of the Princess Elizabeth was seriously entertained, Gardiner proposing in council to have her head cut off, and Renard, the Spanish ambassador, urging the trial and execution of the criminals, especially of Courtenay and the Lady Elizabeth, in order to secure Spanish and catholic interests.[42]

13. The rising being crushed, and no other serious opposition being feared, a way was made for the further changes desired in church matters. Articles were drawn up and sent by the queen to all the bishops some time in March.[43] They were directed

1. With all speed and diligence, and all manners and ways to them possible, to put in execution all such canons and ecclesiastical laws heretofore in the time of King Henry VIII. used within this realm of England and the dominions of the same, not being direct and expressly contrary to the laws of this realm.

2. No bishop or any of his officers to use the clause "Regia auctoritate fulcitus."

[41] Strype, Eccl. Mem. III. pp. 91—97; Knight, Hist. Eng. III. pp. 65—67.

[42] Dodd, speaking of the proposed death of Elizabeth, says, "this indeed had been a politic stroke," but he considers, as was no doubt the fact, that Philip was averse to it on grounds of policy. Elizabeth, who was guiltless of Wyat's attempt, was, however, committed to the Tower on March 18th, "when things looked black upon her," and whilst there, Gardiner obtained a warrant for her execution from some of the council, but Bridges, the lieutenant of the Tower, went with it to the queen, who denied all knowledge of it, and so she was saved. On May 20th, the princess was removed to Woodstock, in charge of Lord Williams, but his treatment being too gentle for her enemies, Sir H. Bedingfield replaced him, from whom she is said to have met with less civility, and to have been more roughly treated. Lingard says she afterwards called him "her *jailor*," and that Bedingfield considered himself in favour with Elizabeth, but had the queen considered him a friend, she would hardly have called him "a jailor." Dodd, I. p. 459; Strype, Eccl. Mem. III. pp. 97, 122; Knight, Hist. Eng. III. pp. 69—72; Collier, VI. pp. 49—63; Lingard, V. p. 215; Godwin, Hist. p. 177; Baker, Chron. p. 320; Burnet, II. pp. 213, 214.

[43] Wilk. Conc. IV. p. 88; Card. D. A. I. p. 109; Collier, VI. pp. 63—67; Dodd, I. p. 476; Lingard, V. p. 220; Burnet, II. p. 204; Strype, Cran. p. 327; Heylyn, Q. Mary, p. 35.

3. The oath of primacy or succession not to be imposed on any.

4. No person infected with heresy to be admitted to orders or any ecclesiastical function or benefice.

5. Bishops to diligently travail in the repression of heresies, notably in the clergy.

6. Bishops and their officers to travail in the repression of corrupt and naughty opinions, books, ballads, and devices. Teachers or preachers setting any such forth to be punished and deprived.

7. Bishops and their officials summarily, and with all celerity and speed, to deprive, or declare deprived, and remove all married clerks, sequestering during process.

8. Lenity to be shewn where the wives are dead or consent to live separate, in which case the offender to be restored to administration, but not in the same place.

9. All married religious men, after deprivation, to be duly punished.

10. Where churches vacant, parishioners to go to the next parish.

11. All processions to be after the old order, and in Latin.

12. The fasting and holy days to be kept as in the reign of King Henry VIII.

13. The laudable and honest ceremonies wont to be used to be still observed.

The remaining five articles dealt with baptism, candidates for orders, homilies, schoolmasters, &c.

14. In the matter of "married clerks," Bonner had been

"beforehand with the queen, not staying for any orders from above in dealing with his clergy, but of his own power, in the latter end of February, had deprived all married priests in his diocese of London of their livings, and, after this done, commanded them all to bring their wives within a fortnight that they might be divorced from them."[44]

The consequences of all these proceedings were as severe as unnatural, and "turned some thousands of men, women,

[44] Strype, Cran. pp. 326—329, App. p. 179, who also gives the interrogatories and form of restitution; Wilk. Conc. IV. pp. 104, 119. Bonner was himself the son of a priest, "a Savagio quodam sacerdote adulterino concubitu genitus est." Godwin, De Præsul. p. 191; Strype, Eccl. Mem. III. p. 111. But in England, in ante-Reformation times, it was, as in Ireland, "an honour to have a spiritual man, as a bishop, an abbot, a monk, a friar, or a priest, to father." See Bishop Mant's Hist. of Church of Ireland, I. p. 35.

and children a-begging." And what was worse, "the married priests had no other callings to betake themselves to, to get food."[45] Burnet has it that out of 16,000 clergymen in England 12,000 were deprived on this account, and this is given as Parker's estimate. It may be a correct one but, so far as the evidence goes, it requires further and sufficient proof. In Parker's life we find it stated that he was deprived for being married, "and so were *all* the rest of the married clergy," but nothing is said of their number.[46]

15. On March 8th, Bonner sent forth a mandate concerning "the providing necessary ornaments and things for the restored service."[47] And, on the same date, a papal bull gave power to Pole to reconcile England to "the church."[48] On the 13th, the queen issued a commission to Gardiner and five other bishops to convent the Archbishop of York and the Bishops of St. Davids, Chester, and Bristol for the crime of matrimony, with power to deprive them for so heinous an offence. On the 15th, another commission went to deprive

[45] Strype, Eccl. Mem. III. p. 110.

[46] Hist. II. p. 206; III. pp. 161, 162; Strype, Park. p. 31. Lingard puts the number as one in five; this, out of 16,000 clergy, would give some 3000 ejected ministers, and allowing five persons to a family, there would be thus 15,000 turned out of doors to starve. A host doubtless contrived to keep, according to ancient and catholic use, both their livings and their wives; but it says much for the morale and courage of the English reformed clergy that, even in those times, so many were found to face ruin, starvation, and death, rather than give up their wives. Burnet, relying on statistics sent him by Dr. Tanner, shewing that in the diocese of Norwich there were 335 clergymen deprived, considers that the whole number will fall short of 3000. But as Strype says *all* the married clergy were deprived, and as this would apply to beneficed men and curates, Warner's estimate of 9000 may be really near the mark, if all these are included. The married ex-regulars had to be divorced or punished. In the diocese of Norwich there were (according to the list given in Harpsfield's history) 1121 parish churches out of the 9285 in England. See Burnet, II. p. 206; III. pp. 161, 162; Dodd, I. p. 477; Warner, Hist. II. p. 347; Harpsfield, Hist. pp. 741—743; Strype, Eccl. Mem. III. pp. 108—115; Cran. pp. 326—331; Collier, VI. p. 69; Lingard, V. p. 320.

[47] Card. D. A. I. p. 115; Wilk. Conc. IV. p. 90.

[48] Upon the news of Mary's accession, the pope, in August, 1553, appointed Pole, a legate a latere. Wilk. Conc. IV. pp. 87, 91; Card. D. A. I. pp. 107, 117; Collier, VI. pp. 29—33; Strype, Cran. pp. 323—327.

the Bishops of Lincoln, Worcester, and Hereford.[49] The sees were declared vacant before the 18th. On the 19th, a *conge d'elire* was issued for Rochester and the six vacant bishoprics, Bush, bishop of Bristol, having of his own accord resigned.[50] There were thus some sixteen new bishops brought in, and this done they set about executing and enforcing the queen's injunctions.[51] On the 29th, orders were given to turn out all married canons and prebendaries.[52]

16. The queen, distrusting the Londoners, called a parliament to meet at Oxford on April 2nd, convocation being summoned on the 3rd; but, owing probably to the severity of the weather, both were removed to Westminster. The object of the meeting of parliament was, Gardiner declared in his oration, the corroboration of the true religion, and the queen's highness' marriage.[53] The chief and only business, besides a petition to the bishops, done in convocation related to the intended discussion on the mass between Cranmer, Ridley, and Latimer on the one side, and the disputants selected by convocation and the universities on the other, the queen's letter having authorised them so to do.[54]

At this discussion, the setting forth of the Catechism by Cranmer, in the name of the synod of London, was made a ground of complaint against him, though the forty-two articles were also, no doubt, meant or included.[55] Weston, too, the prolocutor, objected to many of King Edward's proceedings,

[49] Wilkins makes the dates of the two commissions to be March 15th and 16th. Conc. IV. pp. 118, 119; Rymer, Fœd. XV. p. 370; Burnet, II. p. 204; Strype, Cran. p. 309; Collier, VI. pp. 65—69. The deprivations all went on by the queen's authority, the bishops being only delegates.

[50] Rymer, Fœd. XV. pp. 374, 375.

[51] Burnet, II. pp. 205, 206.

[52] Rymer, Fœd. XV. p. 376.

[53] Parl. Hist. I. p. 613; Wilk. Conc. IV. p. 94.

[54] Collier, VI. pp. 72—80; Wilk. Conc. IV. pp. 94, 98, 99; Lathbury, Hist. Conv. p. 130; Joyce, Synods, p. 507; Strype, Cran. pp. 334—340; Burnet, II. pp. 208—212; Strype, Eccl. Mem. III. p. 117; Persons, III. Revisione, pp. 27, 28.

[55] Collier, VI. p. 74. Weston said not 50 members of convocation ever heard of the Catechism. See also Burnet (III. p. 151), who says the Articles were not offered to convocation.

particularly to "the removing of altars and setting tables in their stead; which tables were ordered to be placed not altar-wise but tablewise, and the person that officiated to turn his face, not to the east, but to the people."[56]

The lower house of convocation, either now or at the next meeting, presented a long petition to the upper, consisting of twenty-eight articles concerning the monastic and chantry lands, and a variety of other subjects, amounting, in the sum, to a request for the reversal of the whole or a great part of the Reformation legislation. The fourth section ran thus:[57]

4. And that the bishops and other ordinaries may with better speed root up all such pernicious doctrine and the authors thereof, we desire that the statutes made *anno quinto* of Richard II., *anno secundo* of Henry IV., and *anno secundo* of Henry V. against heretics, Lollards and false preachers, may be by your industrious suit revived and PUT IN FORCE, as shall be thought convenient; and, generally, that all bishops and other ecclesiastical ordinaries may be restored to their pristine jurisdiction against heretics, schismatics and their fautors, in as large and ample a manner as they were in the first year of Henry VIII.

The upper house were nothing loth to comply with so orthodox and usual a request, though unable to grant "the boon" until a really catholic parliament had met.

17. Parliament, having passed the act affirming the regal power of a queen regnant, and the one confirming the marriage articles, with some few others of no great importance, was dissolved on May 5th, "by reason of a bill confirming abbey lands to the present possessors, which, it seems, gave great offence at court."[58]

The questions agreed upon in convocation having been decided at Oxford, the three bishops were there and then adjudged heretics, and their opinions heretical. The whole

[56] Strype, Eccl. Mem. III. p. 117.

[57] Wilk. Conc. IV. p. 96; Dodd, I. pp. 461, 505. The clergy, it will be seen, took the lead and initiative in the revival of the persecuting statutes, but they were not re-enacted till the 1 P. & M. c. 6, at the close of the year.

[58] Parl. Hist. I. p. 615; Strype, Cran. p. 333.

disputation, under the university seal and subscribed by notaries, was exhibited to the lower house by Weston (the prolocutor),[59] who also acquainted the queen with the proceedings.

18. Upon a report of another possible disputation at Oxford, twelve of the imprisoned clergy (Farrar, Rowland Taylor, Hooper, and others) drew up and published a declaration of their faith, and declined all further controversy, except before the queen or both houses of parliament.[60]

On June 29th, a fair was held at Westminster Abbey.[61] On July 19th or 20th, King Philip landed, was married at Winchester on the 25th by Gardiner, and proclaimed on the 27th. Burnet says, that upon his politic intercession, the Archbishop of York and many others were set at liberty, and the Lady Elizabeth's life preserved.[62] It is said to have done some little towards conciliating the people and turning public opinion in his favour.

19. This summer the bishops went their visitations. Bonner issued a set of visitation articles, and drew up a book of homilies. He also, by mandate dated October 25th, ordered the erasure of all texts of scripture upon the church walls.[63]

The "storms being blown over,"[64] and the marriage scheme that had so agitated the commons of England thus

[59] Lathbury, Conv. p. 150; Joyce, Synods, p. 509; Collier, VI. pp. 78—80; Strype, Cran. p. 339; Burnet, II. p. 211. "That an archbishop and two bishops should be tried for heresy by a royal commission was, to say the least, a novel proceeding," in Mr. Joyce's opinion. Synods, p. 509. But the trial and conviction came long afterwards, as we shall see.

"Hanc convocationem post varias prorogationes Edmundus, Londini episcopus, praesidens, 25 die mensis Maii ad diem Veneris prox. post festum 5 diem mensis Octob. et in quemlibet diem interim contingentem prorogavit." Wilk. Conc. IV. p. 94.

[60] Collier, VI. p. 80. Coverdale also subscribed, though not in prison.

[61] Churches and churchyards were usual places for fairs and revels in ante-Reformation times.

[62] Collier, VI. p. 83; Strype, Eccl. Mem. III. pp. 126—133; Burnet, II. pp. 213, 214; Pagius, VI. p. 331; Palatio, IV. p. 178.

[63] Wilk. Conc. IV. pp. 105, 108; Burnet, II. pp. 215, 216; Collier, VI. p. 85; Card. D. A. I. pp. 124, 135; Strype, Eccl. Mem. III. pp. 137—140.

[64] Dodd, I. p. 459.

joyfully perfected, nothing more was required but the restoration of the papal supremacy and the canon law, and, as a happy consequence, the vigorous suppression of heresy and all erroneous opinions. But the commons of England had objections of their own to the re-introduction of the heroic methods of priestly surgery ;[65] and former parliaments having proved unruly, steps were taken to secure docility in the next, a matter of the more importance as the papal legate Pole was only waiting the repeal of his attainder to welcome the wanderer back to the fold of the only true shepherd.[66]

20. Letters were accordingly addressed in October by the queen to the sheriffs, requiring them that

for withstanding such malice as the devil worketh by his ministers for the maintenance of heresies and seditions, ye now on our behalf, admonish such our good loving subjects as by order of our writs should, within that county, choose knights, citizens, and burgesses to repair from thence to this our parliament, to be of their inhabitants, as the law requires, of the wise, grave, and *catholic sort;* such as indeed mean the true honour of God with the prosperity of the commonwealth.[67]

On November 12th, this supposed to be catholic parliament, and on the following day, at St. Paul's, the convocation of Canterbury met.[68] On December 7th, an humble supplication

[65] "Cum igitur sancta mater ecclesia non habet quod ulterius facere et exequi contra tam putridum membrum." Amputation and the cautery were the two usual and approved remedies and methods.

[66] Collier, VI. pp. 30—35. Pole was alive to the importance of this. In a letter dated June 20th, and written at Brussels, he declared how averse he was to cruelty, but confesses "that a person's opinions might be so pernicious and himself so corrupt and active in corrupting others, that he should not hesitate to say that he ought to be deprived of life and cut off from the body as a mortified member, yet not before every gentle means had been tried for his recovery." Ep. Poli. P. IV. Ep. 53, p. 156.

This was and is still the view taken by the Roman canon law and by its most estimable professors, and clung to and enforced with an amazing blindness and tenacity even in our own time. For Rome has never yet repealed, or even willingly softened, a single intolerant enactment, but only bewails her inability to enforce her will and laws.

[67] Parl. Hist. I. p. 615; Strype, Cran. p. 344; Eccl. Mem. p. 155.

[68] Twenty bishops attended. In quinta sessione (December 7th), post habitum

was addressed to the king and queen, to intercede with Pole as to the church property, and request him to waive his claims and demands.

One of the grounds urged was that the restoration was "difficult, and so to speak impossible," and that any attempt of the kind would greatly interfere with and check the progress of the re-union with Rome. On public grounds, therefore, convocation besought their majesties to request the legate to give up all claim to the church property. They also prayed the restoration of all the abolished ecclesiastical jurisdiction, so needful to the proper exercise of their office.[69]

21. In parliament, to prepare the way for the reception of the papal legate, Pole's attainder was reversed, and soothing assurances given concerning the church lands. On November 14th, he came up the Thames in a state barge with a silver cross at its prow. On the 21st, the bill for the repeal of the act of attainder was passed, and received the royal assent the next day.[70]

On November 27th, a message was sent to both houses to attend the next day on the legate at Whitehall, and hear him deliver his legation. Here, the king and queen being seated under a canopy, with Pole on their right hand, Gardiner began with a speech, upon the conclusion of which Pole made a long address. I am here, he said, speaking of Rome,

deputed legate and ambassador, having full and ample commission

tractatum de statu regni et Ecclesiae Anglicanae conscribebatur protestatio quaedam episcoporum regi et reginae offerenda, cum gravi supplicatione ut jurisdictiones suae sibi restituantur; et concordatum fuit ut episcopus Winton, cancellarius regni, prolocutor, et sex alii praelati inferioris domus dominis regi et reginae vice totius synodi eam exhiberent. The petition before referred to may have been presented to the upper house in this convocation, but if so, it is strange that no note is made of the fact. It clearly preceded the secular legislation on the subjects referred to therein. Wilk. Conc. IV. 94; Collier, VI. pp. 98, 99.

[69] Wilk. Conc. IV. p. 101; Strype, Eccl. Mem. III. p. 159; Joyce, Synods, p. 519; Collier, VI. pp. 95—97.

[70] Knight, Hist. III. p. 76. Letters patent were on November 10th granted to Pole to enable him to exercise his legatine jurisdiction and office. Wilk. Conc. IV. p. 109; Strype, Eccl. Mem. III. pp. 156, 157, 162.

from thence, and have the keys committed to my hands; I confess to you that I have the keys, not as mine own keys, but as the keys of him that sent me, and yet cannot open, not for want of power in me to give, but for certain impediments in you to receive, which must be taken away before my commission can take effect. But the mean whereby you shall receive this benefit is to revoke and repeal those laws and statutes which be impediments, blocks, and bars to the execution of my commission."[71]

22. The day after (the 29th) a supplication, "to be presented to the king and queen, whereby this realm and its dominions might be again united to the see of Rome by the means of Cardinal Pole," was agreed upon by both houses, and ordered to be engrossed. On the 30th, it was "read in Latin at the palace, before the king and queen," and in the presence of both houses, and was "exhibited by their majesties to the lord legate, who, making an oration of the great joy that was for the return of the lost sheep, did by the pope's holiness' authority give absolution to the whole realm, and the dominions of the same, from all heresy and schism, and from all judgments, censures, and punishments whatsoever for these causes incurred." This form over, all went in procession to the chapel royal, where a Te Deum was sung,[72] and Pole wrote the same day a long letter to the pope giving ecstatic details of the happy return to the Roman obedience.[73]

There was but one drawback to the profound joy, and

[71] Collier, VI. pp. 87—90; Parl. Hist. pp. 618—622. For the bull of Julius III. dated June 28th, "Cardinali Polo dispensationem de bonis ecclesiasticis Angliae concedens," see Wilk. Conc. IV. pp. 102, 112; and see Lingard, V. p. 223, n. 3. Pole, however, wished to get back the plate and ornaments. Wilk. Conc. IV. p. 114; Collier, VI. p. 97.

[72] H. of C. Journals; Parl. Hist. I. pp. 622—624; Strype, Eccl. Mem. III. 160, 168; Collier, VI. pp. 90, 91; Burnet, II. p. 218; Dodd, I. p. 447; Lingard, V. pp. 222, 223. For the bull of Julius III. giving Pole power to reunite England to Rome, see Wilk. Conc. IV. p. 91, and p. 111 for the form of absolution.

[73] "It is," said he, "the seed whom the Lord hath blessed," and the fact that the "deformation" was removed and all things restored to their ancient beauty, made it lawful to apply the prophetic words "exue te stola luctus et vexationis, et indue te decore, quia Deus tibi est in gloria sempiterna." Wilk. Conc. IV. pp. 110, 111.

that was the price paid for it. This was the formal confirmation of the church and monastic lands, impropriations and all, to their lay owners. Julius III., as Ranke says, clearly perceived the necessity of this. Both convocation and the papal legate felt how potent were the interests connected with the church property, and how difficult and impossible its restoration was. The queen herself had to desist from her attempts, and be content with her own restoration of tenths and first-fruits; and the pope, in consideration of, and gratitude for, so crowning a mercy as the recovery of the strayed sheep, for once gave up what was always the object of papal care and solicitude,—the fleece.[74]

23. On the Sunday following (December 2nd) Gardiner "improved the occasion" by a sermon at Paul's Cross on the text, "Knowing the time, that it is now high time to awake out of sleep."[75] On the next day an embassy was sent to the pope to tender the submission of the whole nation; and on the Thursday following both houses of convocation made their public confession in an affecting and solemn manner,[76] and as a formal recognition of the divine mercy and goodness, the pope proclaimed, on December 24th, a plenary indulgence, with a jubilee over the whole church, "so that the joy might become universal."[77]

24. The bargain being thus struck, and Pole having performed his part of the contract, it remained for parliament to do theirs. The "boon" craved by Gardiner had not been fully granted, and convocation now awaited with eagerness the result both of their petition to, and of the "industrious suit" of, the bishops. Nor were they kept long in suspense.

[74] Ranke, Hist. of the Popes, p. 80; Parl. Hist. I. pp. 626, 627; Strype, Eccl. Mem. III. p. 161; Dodd, I. pp. 563—573.

[75] Strype, Eccl. Mem. III. pp. 159, 163, 164; Collier, VI. p. 91; Dodd, I. pp. 447, 505; Lingard, V. p. 223. "He gave," says Dodd, "a tragical description of the miserable state of religion during the last two reigns, and with a flood of tears lamented his own misfortune for having gone the length he did, using these words, Negavi cum Petro, sed nondum amare flevi cum Petro." I. p. 448.

[76] Collier, VI. p. 92; Joyce, Synods, p. 516.

[77] Dodd, I. p. 448; Wilk. Conc. IV. p. 111; Strype, Eccl. Mem. III. p. 161.

On December 12th "the three old acts for the punishment of heresies" were brought in and read; on the 13th they were engrossed, and on the 14th the bill to revive them was passed, and the next day sent to the Lords by Mr. Comptroller. There, fourteen bishops being present, it was at once read a first time, a second time on the 17th, and a third on the 18th.[78] The new enactment ran thus:[79]

"For the eschewing and avoiding of errors and heresies, which of late have risen, grown, and much increased within this realm, for that ordinaries have wanted authority to proceed against those that were infected therewith, be it therefore ordained and enacted by the authority of this present parliament that the statutes 5 Ric. II. st. 2, c. 5, 2 Hen. IV. c. 15, 2 Hen. V. st. 1, c. 7, shall from January 20th next coming be revived, and be in full force and strength and effect, to all intents, constructions, and purposes, for ever."

25. The next act of importance restored the papal supremacy and canon law, and is the one by which "was re-established in England the whole system of religious polity which had prevailed for so many centuries before Henry VIII." It passed in the Commons "after a sharp debate" on the third reading.[80] Having recited that

"since the twentieth year of King Henry VIII. of famous memory . . . much false and erroneous doctrine hath been taught, preached, and written, partly by divers the natural born subjects of this realm, and partly being brought in hither from sundry other foreign countries, hath been sown and spread abroad within the same," and that

"Cardinal Pole was sent from the pope to restore the nation to the catholic faith," and the "supplication and declaration by the Lords and Commons of their sorrow for the schism of the nation, and offer to repeal all laws against the supremacy of Rome," and

[78] H. of Lords and Commons Journals. In the Lords, "Communi omnium procerum assensu conclusa est." See App. Q.

[79] 1 P. & M. c. 6. This parliament was summoned without the use of the clause, "ac in terris Ecclesiae Anglicanae et Hiberniae supremi capitis," as in the 1 & 2 Mar. See Stat. of Realm, IV. part 1, pp. 197—199 (Parl. edit. 1819), and Burnet, II. p. 220; Lingard, V. p. 229.

[80] Lingard, V. p. 224; Collier, VI. pp. 96—98.

"The pope's pardon obtained through the king and queen," and that "all such laws shall be repealed," it repealed the acts in the various sections indicated :[81]

§ 9 recited the supplication by the Lords and Commons for the confirmation and ratification, by the pope's dispensation, of certain matters since the schism, viz.

Of the new bishoprics and schools erected.

Of the marriages within prohibited degrees.

Of institutions to benefices according to the act.

Of all judicial processes made before any ordinary of the realm, or before any delegates upon any appeals according to the order of the laws of the realm. And

Finally, that where certain acts and statutes had "been made in the time of the late schism concerning the lands and hereditaments of archbishoprics and bishoprics, the suppression and dissolution of monasteries, priories, chantries, colleges, and all other the goods of the religious houses,"

The king and queen were requested to intercede with Cardinal Pole that "all persons having sufficient conveyance of the said lands and hereditaments, goods, and chattels as aforesaid by the common laws, acts, and statutes of this realm, may, without scruple of conscience enjoy them without impeachment or trouble by pretence of any general council, canons, or ecclesiastical laws, and clear from all dangers of the censures of the church."

§ 10 added, that conformably thereto, the bishops and the clergy of the province of Canterbury had presented to their majesties a

[81] § 2 repealed 21 Hen. VIII. c. 13, § 9, against obtaining dispensations from Rome for pluralities. § 3 repealed 23 Hen. VIII. cc. 9 and 20, against foreign or extra-diocesan citations, and payment of annates; 24 Hen. VIII. c. 12, against appeals to Rome; 25 Hen. VIII. cc. 19, 20, 21, being the clergy submission act and the acts for non-payment of first-fruits and Peter's pence. § 4 repealed 26 Hen. VIII. cc. 1, 14, or the supremacy and consecration of suffragans acts; 27 Hen. VIII. c. 15, on the ecclesiastical laws; 28 Hen. VIII. c. 7, § 7 and cc. 10, 16, on prohibited degrees, the papal authority, and the provision for dispensations; 31 Hen. VIII. c. 9, for the making of bishops by letters patent; 32 Hen. VIII. c. 38, on pre-contracts of marriage; 35 Hen. VIII. c. 3, the ratification of the king's style. § 5 repealed 35 Hen. VIII. c. 1, § 7, oath of supremacy. § 6 repealed 37 Hen. VIII. c. 17, on married doctors of law. § 7 repealed 1 Edw. VI. c. 12, § 5, 6, on the king's supremacy. § 8 repealed all statutes against the pope's supremacy since the 20 Hen. VIII.

supplication in the tenor following: Nos episcopi . . . . provisuras.[82]

§ 11 continued, that forasmuch as the said most reverend father the lord legate, at the intercession of their majesties, had, by authority of the see apostolic, sufficiently dispensed in the matter specified in the said several supplications, as in his letters of dispensation was contained more at large, the tenor whereof begins, "Reginaldus miseratione Divinâ . . . supportare valeant";[83]

§ 12, and that "the recited dispensation had been confirmed by parliament"; and that of the

§ 13, monasteries and possessions vested in King Henry VIII. and of the colleges, chantries, and free chapels in King Edward VI. a great part had been conveyed to subjects by patents, &c., the effect of the cardinal's dispensation was "declared to be only to remove ecclesiastical impediments to the possessors of such possessions, the title to all lands, &c. being founded on the laws of the realm, and triable in the king's courts only," therefore "the title of the queen and of all corporations and persons to all sites and possessions of religious houses, &c. was confirmed according to the laws and statutes in force before the first day of the parliament."

§ 14 was a clause of general saving of title to the queen, &c.

§ 15 confirmed all statutes, &c. for assurances of the lands and possessions of religious houses, and all feoffments and conveyances thereof.

§ 16 made the "penalty for disturbing such titles, under pretence of any spiritual jurisdiction," to be præmunire under 16 Ric. II. c. 5.

§ 17 provided for suits for tithes of such lands in competent ecclesiastical or spiritual courts within the realm.

§ 18, whilst affirming that the title of "supreme head of the church" had been unduly used since November 3rd (26 Hen. VIII.), provided that all writs, patents, &c. containing the title might still be pleaded; and by

[82] Nos episcopi et clerus Cantuariensis provinciae in hac synodo more nostro solito, dum regni parliamentum celebratur, congregate, &c. Wilk. Conc. IV. p. 101. See ante, p. 150, § 20.

[83] Wilk. Conc. IV. p. 112; Strype, Eccl. Mem. III. p. 160. Pole, speaking of the Canterbury convocation, said, "totum fere corpus ecclesiasticorum regni representans, ad quos haec bonorum ecclesiasticorum causa maxime pertinet."

§ 19, though the style of "supreme head" authorised by 35 Hen. VIII. c. 3 was omitted by the queen in certain grants, &c. all such grants were nevertheless valid and to be pleaded.

§ 20 repealed 28 Hen. VIII. c. 16 making void all bulls and dispensations from Rome, and provided that all such as were not contrary to the laws of the realm might be put in execution.

§ 21 restored the jurisdiction of the bishops, &c. over exempt churches and chapels belonging to the religious houses.

§ 22 preserved the jurisdiction and rights of the two universities.

§ 23 allowed of lands being given in mortmain for twenty years to spiritual corporations in the realm, saving however all rents, services, &c.

§ 24 provided that the act, or the supplication therein contained, should not diminish any prerogatives of the crown as they existed before 20 Hen. VIII., and restored the jurisdiction of the pope and of the bishops as at that time.

"The pope's holiness and see apostolic to be restored, and to have and enjoy such authority, pre-eminence, and jurisdiction as his holiness used and exercised by authority of his supremacy the said twentieth year of the reign of the king, your father, within this your realm of England and other your dominions, without diminution or enlargement of the same and none other; and the ecclesiastical jurisdiction of the archbishops, bishops, and ordinaries to be in the same state, for process of suits, punishment of crimes, and execution of censures of the church, with knowledge of causes belonging to the same, and as large in these points as the said jurisdiction was the said twentieth year."

§ 25 reserved tenure in frankalmoign on gifts in mortmain under § 23.

§ 26 provided that the remedy by laymen for tithes, &c. vested in them should be the same as before the first day of that parliament.

26. This important statute was followed by two others that may be briefly noticed. The one made it treason to pray for the queen's death in schismatical conventicles, or "that God would turn her heart from idolatry to the true faith or else to shorten her days or take her quickly out of

the way"; the other made slander of the queen's title treason."[84]

27. A.D. 1555. On January 12th, thirty-nine members of the lower house withdrew from the degraded assembly, and were indicted in the Queen's Bench. On the 16th, parliament was dissolved.[85]

On the 20th, the statutes against heresy came into operation, and the papal supremacy and jurisdiction being fully restored, the primary duty of weeding the Lord's vineyard could now be lawfully performed. For though, as Dodd says,

near two years of Queen Mary's reign were passed and nothing was attempted that looked like persecution for conscience sake,

yet the delay was caused rather by want of power than of will.[86]

This defect the legislation of this parliament cured, and no time was lost in putting it in force. And in doing this "the church" was but conscientiously acting on and applying its own fundamental laws and first principles, still unrepealed. "Protestantism" was then, as now, "recognised as a thing intrinsically untenable and irreconcileable with the catholic faith.[87] For we are told that

the church, we must never forget, is our infallible guide, not in faith only, but in morals also; and every single proposition, of which right or wrong is a predicate, is under her direct jurisdiction.[88]

When, therefore, the church and state are united, as in 1555, on the true basis of divine right, neither, it is still said, can "have any cognisance of tolerance."[89] The "catholic theory of the relation between the church and the civil power" requires that the civil governor shall

[84] 1 P. & M. cc. 9, 10; Lingard, v. p. 230.

[85] Plowden, *facile princeps* of lawyers, was one of them. For their names see 4 Inst. p. 17; Parl. Hist. i. p. 625; Strype, Eccl. Mem. iii. pp. 165, 166.

[86] i. p. 460. Dodd forgot the ejection of the married clergy, &c. Ante, pp. 139, 146.

[87] Dr. Manning's inaugural essay, p. 12, 2nd ser. Essays on Religion and Literature.

[88] Essays, p. 90.

[89] Id. p. 403.

receive from her hands the divine law, and act in obedience to her interpretation of its precepts. In this obedience lies the basis of the relation between the church and the civil power . . . According to the divine law, every magistrate, whether spiritual or temporal, must in every respect take his stand on the principle of religious intolerance.[90]

28. For the church, when rightly united with the state, is in possession of the two swords; "the one she has in her own hand, and the other is wielded in her behalf."[91] The state derives its power from God,

but, on entering the Christian church its natural rights and range of action are adjusted and limited by the superior claims of the supernatural order of things it has submitted to. The civil magistrate has entered into the house of God, and must sit at the footstool of the vicar of Christ. The civil power enforces the laws of the church; it restrains evil-doers and punishes heresy. In fine, in all civil matters affecting spiritual interests, according to the principle already stated, the church is dominant . . . If, therefore, an heretical prince is elected or succeeds to the throne, the church has a right to say, I annul the election, or, I forbid the succession; or again, if a king of a christian nation falls into heresy, he commits an offence against God, in whose name and by whose authority he reigns, and against his people, for whose spiritual as well as temporal good he governs. Therefore it is in the power of the church, by virtue of the supreme authority with which she is vested by Christ over all christian men, to depose such a prince in punishment of his spiritual crime, and to preserve his subjects from the danger of being led by his precept and example into heresy or spiritual rebellion.[92]

For it is said that, in virtue of the divine commission, "the church" has the right

to require of every one to accept her doctrine. Whosoever obstinately refuses, or obstinately insists upon the election out of it of what is pleasing to himself, is against her. But were the church to tolerate such an opponent, she must tolerate another; if she tolerate one sect, she must tolerate every sect and thereby give herself up.[93]

[90] Dr. Manning's Essays, pp. 396, 404.

[91] Id. p. 401.

[92] Id. pp. 456, 457, 459; and see pp. 416, 417.

[93] Id. p. 403.

And "neither true peace nor true charity recognises tolerance," for such is said to be "the divine order of things," the normal relation of the church to the civil power being one which "consists in the complete subordination of the civil magistrate to the church in its capacity of supreme moral governor of princes and peoples."[94]

29. Bearing in mind this "catholic theory of the relations between the temporal and spiritual powers," we shall the better understand the events of the three last years of Queen Mary's reign. Happily for us, "that intimate alliance which is required by the divine law" does not now (in England, at least) "exist between the two powers destined to rule the world."[95]

[94] Dr. Manning's Essays, p. 404.

[95] Perhaps the most striking proof of the advance made in the principles of toleration is to be found in the fact that Dr. Manning and his *collaborateurs* are able to write thus, under shelter of the very toleration they abuse and decry. But it is a question whether the first principle of toleration is to give any power to the intolerant. Milner frankly admits that "if it be proved that catholics are bound by their principles to persecute and extirpate persons of a different religion from themselves, it is absurd in them to look up to a protestant legislature for any extension of their civil privileges; they may rather expect to see their former chains rivetted upon them." Letters to a Preb. IV. postscript, p. 139.

Dr. Newman, in his "Letter to the Duke of Norfolk," p. 89, quotes Soglia, with whom he agrees. "I follow," he afterwards informed me, "Soglia and others (as St. Augustine) in claiming *coercive* power for the church, short of blood (as the flogging and imprisonment of monks)." Soglia's opinion, given in the "Letter," p. 89, is "that the coercive power divinely bestowed on the church consists in the infliction of spiritual punishments alone, and not in corporal or temporal." But this view, so congenial to Dr. N.'s kindly nature, hardly agrees with his letter to me. And Soglia himself, in the evidently overlooked chapter *De Haeresi*, lays it down that heresy is the greatest of all crimes, and is to be punished by fine, confiscation, scourgings, imprisonment, exile, and *death*. "Haeresis enim gravissimum et nocentissimum crimen est ejusque punitio necessaria ad conservationem fidei orthodoxae . . . Seculares poenae a principibus constitutae potissimum sunt. 1. Perpetua infamia ob quam a cunctis honoribus et muneribus ac civium privilegiis arcentur atque a ferendo testimonio repelluntur. 2. Incapacitas testamentum condendi, ex aliorum testamentis haereditatem vel aliud accipiendi, item donandi, donationesque capiendi. His accedunt mulctae pecuniariae, confiscatio bonorum, castigatio, carcer, exilium, et *ultimum supplicium*." De Haeresi, Lib. III. c. ii. § 232, p. 523; Ed. Sept. Paris. See Lib. I. c. I, § 8, pp. 168—170 for Dr. Newman's quotation. The distinction made is one without a difference. The final punishment of death is no doubt inflicted by the state and not by the church,

On January 22nd, two days after the statutes against heresy came into force, Gardiner sent for all the reformers and preachers that were in prison to his house, "apprised them of the statutes enacted in the last parliament," and offered them liberty on recantation. On refusal they were all taken back again to stricter confinement than before.[96]

The next day, the prosecution of the reformers being determined on, all the bishops went to Lambeth to receive the legate's blessing aud directions. He is said to have exhorted them to go to their dioceses and try to win back their people by gentleness rather than rigour.[97] On the 25th, there was a solemn procession through London, 160 priests in copes, eight bishops, and then Bonner carrying the Host; and the day (being St. Andrew's) was set apart as the anniversary and the "feast of the reconciliation." The queen appears to have also issued a proclamation ordering bonfires and a Te Deum.[98]

30. On January 28th, Pole gave a commission to the bishops "to reconcile," as it was termed, their dioceses to Rome. With it went eleven articles of things "to be put in execution," and a set of instructions or rules for bishops and their officials to observe. In accordance therewith, it was resolved to begin the reconciliation with Hooper, "against whom both Gardiner and Bonner had so peculiar an ill will that he was singled out of all the bishops to be the first

but the state merely carries out the sentence of the church. The axe falls and the pile is lighted at the nod of the priest, whose agent and executioner the state or civil power is bound, on pain of excommunication, to be. At Rome, in the eighteenth century, the divers tortures inflicted within the walls of the Inquisition were not indeed mortal, being imprisonment, the "tormentum funis, del fuoco, della stanghetta, delle canette," and the "bachetta." These could, however, be easily pressed and made use of, by repetition or continuation, to destroy life. See the Practice of the Court (Practica del Santo Uffizio), by Menghini, pp. 263—292 (Rome, 1730), and App. Q. In punishing "heresy" the civil power but acts "in a subordinate capacity and with a delegate authority, as the helper only, the servant, of the spiritual power." Essays on Rel. 2nd series, p. 458.

[96] Lingard, v. p. 230; Fox, III. p. 96; Burnet, II. p. 223, 4; III. p. 172.

[97] Strype, Cran. p. 345; Burnet II. p. 223.

[98] Burnet, II. p. 223; Strype, Eccl. Mem. III. p. 167.

sacrifice."[99] On the 28th, he was brought before Gardiner, sitting as ordinary at St. Mary Overies, twelve other bishops, and a host of lookers on, being present.[100] The next day, Rogers, a prebendary of St. Paul's, ("a good and spotless man," as his enemies confessed, but one who had been guilty of marriage and denied the "real presence"), Rowland Taylor, a Suffolk rector, and Saunders of All Hallows, were brought up with Hooper, when Gardiner condemned all four as obstinate heretics, and delivered them to the sheriffs to be cut off as rotten and mortified members of the church. Rogers asked leave to speak with his wife about their eleven children, but it was denied on the ground that she was not his wife.[101]

31. On February 4th, he was burnt in Smithfield, and, on the 8th, Saunders at Coventry; on the 9th, Hooper at Gloucester and Taylor at Hadleigh.[102] To avoid sharing in the unpopularity of these extreme measures, and for obvious

[99] Burnet, III. p. 172; App. III. Book V. pp. 185—189. The instructions relate, De auctoritate Episcopis restituta et *maxime ut possint contra haereticos et schismaticos procedere* et eos juxta canonicas sanctiones *coercere* et punire. Strype, Cran. p. 347, 362.

[100] Burnet, III. p. 172. Hooper had been before the Privy Council the previous day, and was offered a pardon if he would be reconciled and return "to the unity of the church." Bonner appears to have remembered the part taken by Hooper in his own deprivation. Strype, Cran. p. 345; Eccl. Mem. III. p. 180; Lingard V. p. 230. Gardiner, too, thought that "the terror of fire and faggot were the best methods of conviction." Collier VI. p. 102. He "prevailed," says Dodd, "to have the ancient statutes against Lollards to be revived in parliament." I. p. 505.

[101] The sentence against Hooper contained no appeal to the secular arm to avoid the shedding of blood. Strype, Eccl. Mem. III. pp. 180—184, and App. No. 28, p. 80; Cran. p. 346; Burnet, II. p. 224; III. p. 172; Records, p. 189; Lingard, V. p. 230; Collier, VI. pp. 105—107. Rogers' wife, with their eleven children, one an infant in arms, only saw him as he went on his way to die.

[102] The Queen's warrant to the sheriff for Hooper's execution directs him to be put to death at Gloucester, being, by "due order of the laws ecclesiastic, condemned and judged for a most obstinate, false, and detestable heretic, and committed to our secular power to be burned according to the wholesome and good laws of our realm in that case provided." The sheriff was not to allow him to speak. Before execution, he was only degraded from priest's orders, the validity of the Anglican ordinal not being recognised. Burnet, III. p. 172, and Records, p. 191; Strype, Eccl. Mem. III. p. 209; Spondanus, II. p. 554.

political reasons, Philip, the next day, put his chaplain, Alphonso di Castro, up to preach against them, who, "to the astonishment of his hearers, condemned these proceedings in the most pointed manner."[108] But the sermon, however politic, failed of any good result, for the burnings went on all the same. The accused had no witnesses brought against them, but "the bishops only exhibited articles to them," according to the way of the courts, "called *ex officio*,

[108] Collier, VI. p. 114; Lingard, v. p. 231; Strype, Eccl. Mem. III. p. 209; Burnet, II. p. 227. Those who had read the works of di Castro must indeed have been, as Lingard remarks, "at a loss to account for this discourse." Such sentiments must have seemed more than strange in the mouth of the author of the elaborate works, *Adversus haereses* and *De justâ haereticorum punitione*, published at Cologne and Venice in 1539 and 1549 respectively, and still later at Paris in 1571, in a large folio of 965 pages, the treatise on penal laws being included. In this last edition the reader will find a note of the events in Queen Mary's reign, evidently contemporaneous. (See Col. 1231.) This tolerant friar, afterwards archbishop of Compostella, laid it down that the translation of the scriptures into the vulgar tongue was one great cause of heresy; and he maintained, with an energy and charity peculiarly Roman, and in accordance with the canon law, decrees, and usage of Rome, that the crime of heresy involved loss of property, "etiam ante judicis declarationem," the loss of the allegiance of subjects, the stain of "infamy," and death, either by the sword, fire, scourging, or any other way. And the various modes of torture and death, including the custom of Bruges (suffocation in boiling oil), are discussed with a zeal, tenderness, and fulness, that has to be read to be understood. In other places and kingdoms, "perpetua et inviolabilis est consuetudo haereticos igne comburere." Such, he says, was the French, Spanish, and Italian custom. With the exception of the ponderous "Directorium Inquisitorum" of Eymeric, and the works of Pegna, Carena, Simancas, Menghini, Thesauro, Aquinas, Bellarmine, and others, there are none to compare in fulness of detail and earnestness of spirit with the voluminous treatise of this astute and compliant monk. It is, however, fair to him to say that amongst the six chief causes of heresy he justly includes, "(1) defectus praedicationis verbi Dei; (2) Indifferens praedicatio per quoscunque sine ullo discrimine, et sine examinatione; (3) Negligentia Episcoporum et aliorum ecclesiae pastorum; (4) multorum episcoporum et aliorum sacerdotum indignitas. Lib. II. c. 6, 7, 8, 9, 12; pp. 153, 159, 167, 171, 188, ed. 1549; and Col. 1232, 1240, 1254, 1277, 1286, &c., ed. 1571. See Dupin, Eccl. Hist. III. p. 690. The student will find in Lacroix's admirable work on the manners and customs of the middle ages, engravings of the punitive and persuasive methods of the times. See "Mœurs, usages et costumes au moyen age," fig. 340, 341, 348, 350, 352, Paris, 1873. There is nothing probably that shews how entirely the spirit of Christ had fled from the *corpus mortuum*, called "the church," of mediæval times, than the penal codes, religious and civil, of Christendom, barbarous and ferocious as they were, at a time too when sacerdotal influence was paramount.

and required answers to them, and upon their answers," if they were thought heretical, condemned them and left them to the civil power for execution on the episcopal *significavit*.[104]

32. On February 9th, Bonner sentenced six more heretics to death,[105] and on the 14th, Ferrar, the bishop of St. Davids, was sent down to Carmarthen for trial by his successor, Morgan, for the crime of heresy; upon conviction he appealed to Pole, but without success, the only result being the stay of the execution pending the appeal, for though condemned on March 13th, he was not burnt till the 30th, having been, like Hooper, first degraded from priest's orders only.[106]

[104] Burnet II. p. 229.

[105] Gardiner appears to have retired, disgusted with the result of his appeal to force, and left the congenial work to Bonner. Dodd says, speaking of the 200 the latter sent to the stake, that "it must be attributed to his being bishop of London." I. p. 463. A letter of Bonner's to Pole, written in July, 1558, seems however to shew that even then the zest had not been lost. Twenty-seven, out of a company of forty men and women who had met for reading the bible and prayer at Islington, were arrested and marched off to the Old Bailey, where for six weeks the twenty-two committed were left unnoticed, and two died of the hardship and want. On June 14th, seven were brought before Bonner and sentenced, being burnt in Smithfield on June 27th. Six, out of the thirteen who were left, were examined by Bonner's chancellor, Darbyshire, and remanded to the bishop's coal house, his usual prison, till July 11th, when he gave sentence, issuing the *significavit* the same day. The writ *de haeretico* went on July 12th to the sheriff, and they were burnt on the 14th at Brentford, and not at Hammersmith, after Bonner had enjoyed the pleasure of personally scourging them. The letter ran, "Further, may it please your grace concerning these obstinate heretics that do remain in my house, pestering the same, and doing much hurt in many ways, some order may be taken with them, and, in my opinion, as I shewed your grace and the lord chancellor, it should do well to have them burnt in Hammersmith, a mile from my house here, for then I can give sentence against them here in the parish church, very quietly and without tumult, and having the sheriff present, as I can have him; he without business or stir can put them to execution in the said place." See Athenæum, Oct. 27, 1855. Dr. Maitland, in his curious and useful, but strangely one-sided book, "Essays on the Reformation in England," has become the apologist of Bonner, whose zeal was indeed but the result of his principles, conscientiously applied and carried out. The sincere Romanist, if true to his creed, *must* persecute, *if* he can best thereby serve "the church." It is a question of expediency and of power, not of will or of duty. For "Catholicism is the most intolerant of creeds: it is intolerance itself, for it is truth itself." Rambler, VIII. pp. 178, 60—67; IV. pp. 117—128; XIV. pp. 113—128.

[106] Collier, VI. pp. 107, 108; Burnet, II. p. 229; Strype, Eccl. Mem. III. p. 209.

33. On February 19th, Bonner published a declaration to "all and singular the lay people" in his diocese, calling on them to join heartily in the reconciliation with Rome, and providing a form of absolution for pastors and curates to use with their flocks in their private confessions.[107] It was followed, on the 23rd, by a monition to all curates to certify to him the names of those who would not come to confession.[108]

On March 23rd, Pope Julius III. died, and before the English embassy, which had started on February 13th, had reached Rome.[109] His successor, Marcellus II., who was elected on April 5th, also died, on the 27th, of a complaint common to reforming popes.[110] Paul IV., then in his eightieth year, succeeded him on May 23rd, being crowned on the 26th. The English embassy arrived on the day of his election, and, for a wonder, were treated most civilly, the pope generously granting the sovereignty of Ireland to the king and queen.[111]

[107] Wilk. Conc. IV. p. 114; Card. D. A. I. p. 137.

[108] Wilk. Conc. IV. p. 115; Card. D. A. I. p. 141. See Wilk. IV. pp. 136—140, for Pole's commission, of the 13th, to the Dean and Chapter of Canterbury, with form of absolution.

[109] Strype, Eccl. Mem. III. p. 210; Collier, VI. p. 92; Pagius, VI. pp. 330—342; Palatio, IV. col. 178, 179; Spondanus, II. pp. 553, 554.

[110] Palatio, IV. col. 196, § 19.

[111] "Humanissime recepti . . . . dum enim Angli beneficio sedis Apostolicae Hiberniam tenerent." Palatio, IV. col. 214; and see Lingard, V. p. 227; Collier, VI. p. 109; Burnet, II. pp. 231, 256; III. p. 177; Pagius, IV. p. 355. Palatio says, "Excelsi animi Paulus, rebus omnibus praesto esse, cum crederet solo gladio spirituali; saepe saepius oratoribus Principum insusurrabat; 'sumus super omnes principes, nullus eorum consuetudinem, vel familiaritatem cum nobis usurpet. Nostrum est dare et tollere regna, successores ejus qui Reges deturbavit sumus, et Imperatores. Neminem habemus socium sed omnes nobis sub hoc pede subjectos,' et haec dicens, terram percutiebat pede, juxta ea, quae docuit qui ecclesiam aedificavit in Petro." But "Christianity" being in a bad way, "non solo la Sassonia, la Danimarca, Germania, Boemia, Transylvania, Suevia, Hungaria, et Inghilterra ereno quasi totalmente infette d' eresia, et alienate dall' obedienza del sommo Pontifice Romano," he established the Roman inquisition, whose dungeons were soon filled, so that Pius V. built a palace, in 1559, for their better accommodation. Palatio, IV. col. 217, 321; Vita di Paolo, IV. pp. 38, 74; Acta Regia, p. 445. See the pope's letter to Philip and Mary, dated June 30th, in Dodd, by Tierney, II. App. p. cxx.

34. On March 26th, the justices of Norfolk being remiss in their duties, were required by a royal letter to insist upon quietness, order, and conformity; to look sharply after dissenters and heretical preachers, and to have "one or more honest men, secretly instructed," in every parish "to give information of the behaviour of the inhabitants." Strype also gives another letter, dated March 27th, to justices generally.[112] On April 1st, Gardiner sent fifteen articles of faith to be subscribed by all before admission to a degree at Cambridge;[113] and on May 24th, a royal letter to Bonner, noting the fact of the ones sent to "the justices of the peace within every of the counties of this our realm," required him

> to have in this behalf such regard to the office of a good pastor and bishop, as when any such offenders shall be by the said justices of the peace brought unto you, ye do use your good wisdom and discretion in procuring to remove them from their errors, if it may be, or else in proceeding against them (if they shall continue obstinate), according to the order of the laws.

Bonner had, it seems, burnt no one for five weeks, though "he soon redeemed that loss of time."[114]

[112] See Eccl. Mem. p. 314, and Burnet, II. p. 232; Records, pp. 217, 218. Strype (Cran. p. 365) makes the first letter May 24th, but it is an error. In papal times, the justices of the peace were charged thus: "Ye shall enquire of hereticks and Lollards, and such as keep erroneous opinions, teach and preach the same contrary to the faith and laws of the church, or keep any school thereof in hurt or prejudice of the faith, ye shall do us to wit of their names and their opinions, and how long they have continued therein." *Justice of the Peas*, p. 309; Rastall, 1534.

At courts leet, too, the charge was to make presentment of "all Lollards, if there be any among you, and all their schools, ye shall do us to wit." Court Baron, p. 392; Rastall, 1534. As, however, Rastall refers to the statute 2 Hen. V. c. 4, it may be taken that the charge to the justices was unknown before that time. The commission of the peace was reformed by the judges in 32 & 33 Eliz. 4 Inst. 171.

[113] Card. D. A. I. p. 161; Wilk. Conc. IV. The Vice-Chancellor, Young, had on June 24th, 1554, subscribed to four others. See Lamb, C.C.C. MSS. p. 172, who also gives the fifteen articles and the names of the subscribers (pp. 172—176); and for the oath afterwards required, Strype, Eccl. Mem. III. p. 354.

[114] Burnet, II. p. 232. Strype says it was a circular letter addressed to all the bishops. Eccl. Mem. III. p. 217; Wilk. Conc. IV. p. 102; Collier, VI. pp. 113—115.

35. On June 13th, a royal proclamation, reciting the revival of the 2 Hen. IV. c. 15, and its provisions regarding not merely heretical opinions but also heretical books, commanded that none should keep any such books, nor King Edward's books of common prayer and ordering of ministers, but that all such should be given up to the ordinary of the diocese, his chancellor or commissary, within fifteen days, to be burnt or otherwise ordered according to the canon or spiritual law. Bishops, ordinaries, and justices were empowered at the end of fifteen days to enter any house whatever and search for such books, and to commit all who were "faulty in this behalf" to be dealt with according to law.[115]

36. On September 12th, a special commission from the pope was opened at St. Mary's, Oxford, to try Cranmer. Brooks, bishop of Gloucester, was the papal sub-delegate, and Drs. Martin and Story the royal commissioners appointed under the great seal.[116] The evidence against him and his defence having been gone into, he was cited to appear at Rome within eighty days, but as he was forthwith remanded to prison, there was no possibility, as his judges well knew, of his obeying the citation.

On September 28th, a legatine commission from Pole, composed of the Bishops of Bristol, Lincoln, and Gloucester, sat at Oxford to try Latimer and Ridley. Articles were exhibited against them, being founded on the ones maintained by them in the disputation at the university. The answers not being satisfactory, both were, on October 1st, condemned as heretics, the sentence being read by the Bishop

[115] Card. D. A. I. p. 165; Wilk. Conc. IV. p. 128. It was finally determined to gag the press by an act. On Nov. 12th, 1558, a bill was read a first time in the House of Lords, "that no man shall print any books, ballads, &c., unless he be authorised thereunto by the king and queens majesty's licence under the great seal." It was read a third time on the sixteenth, but was stopped by the death of the queen. See Collier VI. p. 115; Parl. Hist. I. p. 631.

[116] Cranmer was still archbishop, although deprived of the temporalities of his see. He appears to have reminded his judges that the rejection of the papal supremacy took place under the legate Warham, with the consent of convocation and the two universities. See Strype, Cran. pp. 371—373; Collier, VI. p. 121; Burnet, II. p. 247; III. p. 178.

of Lincoln. On the 15th, Ridley was degraded, and the next day both were burnt "in the ditch over against Balliol."[117]

37. On October 21st, parliament, and on the 22nd, the Canterbury convocation, met. On the 23rd, the speaker of the Commons is said to have made

an ornate oration before the queen's majesty. After which was read a bull from the pope's holiness confirming the doings of my Lord Cardinal Pole, touching assurance of abbey lands, &c.[118]

The only act worth notice is the 2 & 3 P. & M. c. 4, restoring the first-fruits and tenths, with all impropriations in the queen's gift.[119]

38. In convocation, which had been called, on the dean and chapter's letters, by Bonner's citations to the bishops, warning them to attend on the day and at the place named in

[117] Collier, VI. pp. 121—125; Burnet, II. pp. 237—238; III. p. 178; Strype, Eccl. Mem. III. p. 233; Spondanus, II. p. 554.

[118] H. of Com. Journals. It is not clear what bull is meant or where it is to be found. On July 14th, Paul had issued a bull for the "rescissio et annullatio alienationum quorumcumque bonorum ecclesiasticorum, in damnum Ecclesiarum aut non servatis solemnitatibus factarum." Cherubini, Bull. Rom. p. 570, ed. Rome, 1586; Id. I. p. 719, ed. Rome, 1617. Pagius says the pope treated with the ambassadors concerning the restitution of the church property, but considering that all that one of them (the Lord Montacute) possessed in the world was therefrom derived, it was not very likely that much would be got out of them on this point. The ambassadors, according to Palatio, prostrated themselves at the pope's feet, and in the name of the whole realm made full and submissive confession of the many and great national sins. This done, the pope raised them from the ground, benignly condoned the past, and received them into favour clear of and absolved from all censures. Privately, however, he pointed out that "quod semel Deo dicatum, amplius ad usum humanum transferri non posse. Hoc unum Angli persuasim velint, earum rerum possessionem illicitam esse, cui comes adhaereret perpetua divina vindicta, ac regni miseria. Ea de re continuo ad Principes suos rescriberent, neque id semel monuisse contentus, idipsum occasionibus omnibus iterabat." The collection of Peter's pence was especially pressed, and this was obtained. The queen also soon after restored the first-fruits and tenths. Palatio, IV. col. 214, 215. See Lingard, who affirms that the pope did issue a second bull expressly excepting the church property in England from the operation of the first. Hist. V. pp. 221—223; and Tierney's Dodd, II. pp. 115, cvii.—cxxv., cxlv.—clvi.; Dodd, I. p. 563—573; Burnet, III. p. 176.

[119] See Parl. Hist. on this, I. pp. 626, 627; and for the royal deed of abrogation, Wilk. Conc. IV. p. 116, and Burnet, II. pp. 239, 240.

the royal writ, Bonner presided, and having explained the occasion of the meeting, directed the lower house to elect a prolocutor. Their choice fell on the Dean of Norwich, who was presented by the Archdeacon of Ely (the prolocutor in the last convocation) to Bonner, to whom he made a speech urging how favourable was the time for restoring things to their former state and prosperity. Bonner then, with many praises, confirmed the election, and required the attendance of a committee of the lower house to hear certain matters of state concerning the king, queen, cardinal, and the commonweal.

On the appearance of the committee they had to wait their lordships' pleasure, and when admitted were told that one cause of the meeting was to grant a subsidy, another to consider and consult about a schedule prepared by Pole concerning the disposition of first-fruits and tenths given up by the queen. And the Bishop of Ely advised a grant of eight shillings in the pound, to be spread over four years, and that they should appoint a committee of learned men to examine the ancient canons of the church, with the view, if the old ones would not do, to frame new ones.

In the third session Bonner introduced into the upper house certain reformanda in church matters, and the prolocutor of the lower house announced that the required aid had been granted, except for benefices under eight pounds, the two universities, and Eton. He then presented three petitions to the bishops, concerning a composition for the tenths, the confirmation of benefices, and the trial of tithe causes in London, which they desired might be before the ordinary instead of the lord mayor.[120]

The convocation was finally prorogued to November 15th, being dissolved, with the parliament, on December 9th.

39. Whilst convocation was sitting, Pole determined to hold a synod[121] for a reformation of the church, and he obtained letters patent from the crown to enable him to

120 Wilk. Conc. IV. p. 120. The grant of the clergy subsidies had to be confirmed by and pass both houses of parliament before it became law.

121 The cause of holding the synod was "ob praeteriti schismatis calamitatem

call and celebrate the said synod, or any other synod hereafter, at his will and pleasure; and in the same synod ordain and decree any wholesome canons for the good life and order of the clergy of this our realm of England, or of any other of our realms and dominions, and do any other thing for the better executing of their office and duty; as also the said clergy may appear and be present at the said synod or synods, and consent to fulfil and obey all such canons as shall be ordained in the same.[122]

40. When the synod met the prolocutor is said to have introduced a book intituled *The Institution of a Christian Man* (made in the time of Henry VIII.), for examination, and it was divided into parts. Certain of the lower house were selected to frame homilies, and had the articles of the Apostles' Creed committed to them.[123] On the 16th of December, a division of the New Testament was made for translation into English, and the seven sacraments were treated of. On the 20th, the prolocutor, on the part of the cardinal, commanded all present, especially the deans, not to confirm any leases made by the clergy of their benefices. He then produced a writing containing certain words to be well considered in the translation of the New Testament, whose interpretation was treated of on January 8th (1556), on which day the prolocutor, in the cardinal's name, ordered a consultation as to the means of establishing cathedral schools. On the 20th, some members were chosen from both provinces to consider certain articles for the support of scholars in cathedral churches.

in doctrina et moribus valde deformata esset, ad veterum patrum et sacrorum canonum normam reformaretur." And it was called "hoc potissimum tempore, quo in hac regiâ Londini urbe *ad parliamentum* episcopi totius regni et universus clerus provinciae Cantuariensis congregati essent, serenissimis rege et regina pro sua pietate id valde probantibus synodum episcoporum et reliqui hujus regni cleri, qui provincialibus synodis de jure vel de consuetudine interesse consuevit, bonae memoriae Othonis et Othoboni aliorumque sanctae sedis apostolicae in hoc regno legatorum praedecessorum nostrorum exempla secuti, auctoritate apostolica, nobis hac legatione, qua fungimur, concessa, convocavimus et celebravimus." Labbe & Coss. XIV. col. 1733, 1734. Pole issued a monition on November 8th to Bonner, who in his turn, on the 10th, summoned the bishops, and those entitled to meet, on December 2nd at the king's chapel, at Westminster. Wilk. Conc. IV. p. 131.

[122] Wilk. Conc. IV. p. 130; Burnet, II. p. 242; III. p. 179; Collier, VI. pp. 129—134; Strype, Eccl. Mem. III. p. 269.

[123] See ante, p. 55; cf. praelati inferioris domus, ante, p. 150, n. 68, and post, n. 143.

The fund was to be raised by a tenth of a presentee's first year's income of his benefice, by a portion of the goods of intestates at the will of the bishop, and also by a contribution from all testators for the good of their souls, to be deducted from the legatees.

On January 21st, a session was held in an upper room at Lambeth, when, on the Monday following, the subject of non-resident clergy, who wilfully neither officiated nor were willing to do so, was discussed. On February 10th (after several sessions), the prolocutor bade all meet the next day in Lambeth parish church, to hear the provincial constitutions read.

The next day, after mass in the palace chapel, a prayer by the cardinal, and a Latin sermon by a Mr. Watson, the synod was prorogued to October 10th.[124]

41. The standard of doctrine set up and enforced by the constitutions was

that faith which the holy Roman and Apostolic Church, the mother and mistress of all churches, holds and teaches, . . . and all heretics who held or taught otherwise than the same Roman Church believes and teaches are condemned and accursed; and all censures and punishments against heretics and their abettors, as well as those against ordinaries and all others to whom it belonged, but who were negligent in extirpating heresies,

were to be pronounced and inflicted.[125]

[124] Wilk. Conc. IV. 132; Joyce, Synods, pp. 525—532.

Burnet and Lathbury talk confusedly of the synod as a "convocation." The latter says Pole presided, having obtained the king's letters patent to enable him to do so, and adds that it granted a subsidy of six shillings in the pound. Burnet says, "To this convocation Pole proposed a book he had prepared, which was afterwards printed with the title of 'The Reformation of England' by the decree of Cardinal Pole," and that it was "put into the volumes of the councils." But the allusions to "convocation" and a subsidy are mistakes. The text of the "*Reformatio Angliae*" in the Concilia differs greatly from that given in Wilkins and Cardwell. See Burnet, II. p. 242; Collier, VI. p. 130; Labbe & Coss. XIV. col. 1733—1758; Wilk. Conc. IV. p. 121; Card. D. A. I. p. 143.

Pole prorogued the synod to November 10th, May 10th, and again to November 10th, 1557, after which we hear no more of it. Wilk. Conc. IV. pp. 151, 153. Burnet gives the reason of the prorogation,—the absence of the bishops on their visitations, and the great scarcity. III. p. 185.

[125] Wilk. Conc. IV. p. 121; Card. D. A. I. p. 146. It runs: "Ut autem,

42. The eighty days in which Cranmer was cited to appear at Rome expired on December 4th, and found him still a prisoner at Oxford. As upon citation "he took no care to appear,"[126] he was deemed contumacious, and thereupon the pope himself pronounced sentence of excommunication, anathema, and deprivation, declaring him a notorious heretic, his property confiscated, and directing him, after degradation, to be handed over to the secular power.[127]

43. A.D. 1556. The papal sentence arrived in England about the middle of February, and the papal sub-delegates thereupon met again on the 14th at Oxford (but this time in Christ Church choir), and having degraded Cranmer, who appealed (as Chicheley had done before him) from the pope to a general council, delivered him over to the secular power. He suffered over against Balliol on March 21st.[128] The next day Pole was consecrated archbishop, receiving the pall on the 25th;[129] and from this time, we are told, but wrongly, "the persecution ceased in the diocese of Canterbury."[130] Royal

omni superiorum temporum errore sublato, populus sciat, quam doctrinam sequi, quam fugere debeat, cum eadem hac synodo, juxta regulas et dogmata sanctorum patrum, omnem eam fidem, quam sancta Romana et apostolica Ecclesia, omnium ecclesiarum mater et magistra, tenet et docet, reverentur suscipimus et amplectimur . . . Omne dogma quod cum eadem fide pugnat seu non consentit, credi, practicari docerive prohibemus ac vetamus, universos cujuscunque nominis ac generis hereticos, qui aliter credunt, tenent ac docent quam eadem Romana ecclesia credit, tenet ac docet damnamus et anathematizamus. Omnes item censuras et poenas, contra hereticos et eorum fautores latas, necnon ordinarios et caeteros omnes, ad quorum munus hoc spectat, in extirpandis haresibus negligentes, innovamus, atque omnino exequi praecipimus." Labbe & Coss. XIV. col. 1737.

[126] "imo comparere non curaret." Bull of Paul IV.

[127] See the pope's bull, dated December 14th, in Wilk. Conc. IV. pp. 132—136. Pole was appointed archbishop on December 11th by another bull. The papal bull of deposition has the form of degradation annexed, following that given in the Roman Pontifical, but with more ample directions. Pontif. Rom. 195, a. ed. Venice, 1571.

[128] Collier, VI. pp. 136—144; Strype, Cran. pp. 374—390; Annals, III. pp. 230—238; Burnet, II. pp. 247—250. The royal writ *de haeretico* was issued on February 24th. Wilk. Conc. IV. p. 140; Card. D. A. I. p. 168; Lingard, V. pp. 233—237; Burnet, II. Records, pp. 230, 245; Dodd, I. p. 371.

[129] Collier, VI. p. 144; Strype, Eccl. Mem. III. p. 287; Burnet, II. p. 254.

[130] Lingard, V. p. 238, who adds, "his severity was exercised against the

commissions were, in fact, sent into most of the dioceses, Canterbury included, for the diligent repression of heresies.[131]

44. Having appointed his official, Pole set about a metropolitan visitation, and he began on May 18th with his own cathedral, articles for the visitation being framed.[132] On October 20th, the Essex heretics were let out of the Lollards' Tower on promise of amendment,[133] and, on December 29th, a royal commission went to Bonner and two others to search out and destroy the "sundry and divers infamous scrutinies taken in abbeys."[134]

45. A.D. 1557. On January 8th, Pole issued a mandate to the bishops on confession and fasting-licences,[135] and on the 11th his universities' commission appears to have opened. On the 12th the heads met and decided to make suit to the

dead rather than the living." But this is an error; for whilst it is no doubt true that "his delegates, when they visited the universities in his name, ordered the bones of Bucer and Fagius to be taken up and burnt" (to say nothing of the exhumation of Peter Martyr's wife at Oxford), there were ten martyrs burnt in his diocese in January, 1557, six of them at Canterbury, where, on June 19th, seven more suffered; ten were burnt at Lewes on June 22nd, and on November 10th, 1558, only six days before the queen's death, five more were burnt at Canterbury under Pole's own *significavit*. Wilk. Conc. IV. p. 174. The only sufferer in the diocese of Lincoln was burnt under the order of Pole's delegates. Phillips, however, in his life of Pole, repeats Lingard's mistake. See Life, II. p. 159. And to put the matter beyond a doubt, a royal commission for the repression of heresy, the searching out of heretics, heretical books, &c., was issued for the diocese of Canterbury on April 26th following, but with a special clause, not put in the other commissions. Strype, Eccl. Mem. III. p. 289.

[131] That for the diocese of Exeter is dated February 16th. Wilk. Conc. IV. p. 140.

[132] See Strype, Eccl. Mem. III. pp. 290—296; (App. pp. 164—185); Collier, VI. p. 169; and Wilk. Conc. IV. pp. 145—148, 169, for commissions, articles of enquiry, and some very curious presentments.

[133] Strype, Eccl. Mem. III. p. 309.

[134] Burnet, II. p. 255. Collier, however, seems to think nothing of any moment was done under it. VI. p. 159. See the very interesting edition of "Letters relating to the Suppression," published by the Camden Society.

[135] The mandate refers to the contents of the constitution "in concilio provinciali Cantuariensi editae, et sub titulo, 'De celebratione missarum' registratae," but no title of the kind is to be found in the text given by Wilkins and Cardwell. The second decree of the text in Labbe and Cossart treats "De administratione sacramentorum." XIV. col. 1741.

commissioners that the bodies of Bucer and Fagius should be taken up and dealt with according to law, which was done on February 6th.[186] The queen's commissioners had already on January 8th sent for the high constable,

to bring in the precepts and (be) sworn, and that two of every parish of ten or twelve hundreds (be) sworn to enquire of heresy and Lollardy, conspiracy, seditious words, tales and rumours against the queen, and for heretical and seditious books, for negligence and misdemeanors in church, for observation of ceremonies, for ornaments and stocks of the church, &c.

46. The kingdom being still pestered with "heretics," a royal commission was renewed to Bonner and the Bishop of Ely, with others,

to enquire for and search out all such persons as obstinately do refuse to preach the blessed sacrament of the altar, to hear mass, or come to their parish or other convenient places appointed for divine

[186] See the speech of Mr. Stokes to the visitors, and the curious diary of the esquire bedell from November 26th, 1556, to May 31st, 1557, and Pole's orders for the university and celebration of mass, in Dr. Lamb's collection, pp. 177, 200, 184, 237, 270.

The commissioners were, the pope's datary, the Italian Ormaneto, Scott, the bishop of Chester, and the two bishops-elect of Lincoln and Chichester. There was about this time a great mortality amongst the bishops, thirteen dying in a year. Burnet, II. p. 258; Collier, VI. p. 177; Strype, Eccl. Mem. III. p. 391. The sentence against Bucer and Fagius was drawn by the datary and delivered to the vice-chancellor on the 13th, when, being read in the senate, it was approved and ordered to be sealed with the common seal. On January 15th, Pole sent a new commission to the visitors, *De inquisitione heretic. punitat.* Bucer and Fagius were then formally cited, and process stayed to allow of their appearance. On the 18th, the accused not answering to the citation, witnesses for the prosecution were called and examined by the datary. The accused were pronounced contumacious, and on the 26th formally condemned and sentenced by the Bishop of Chester, and the sentence was sent to London the next day. On February 1st, the bishop's man came back with the writ *de haeretico*; and so, on the 6th, after a careful identification of the graves, the bodies were taken out and, together with a cartload of heretical books, burnt in the market place at nine in the morning, the Bishop of Lincoln holding forth for two hours at St. Mary's on Bucer's wickedness and heresy, and then to dinner. The datary was, however, unable to convict Peter Martyr's wife at the Oxford visitation, owing to her ignorance of English, and so merely re-interred her in a dunghill. Lamb, C.C.C. MSS. pp. 209, 210, 211, 214, 216.

service; and all such as refuse to go in processions, to take holy water or holy bread;

and to deliver all heretics convented before them to the ordinary of the diocese, to be dealt with according to the ecclesiastical laws. Other commissions to the like effect were directed to the Archbishop of York and others.[137]

47. On June 10th, Bonner gave a commission to the Archdeacon of Essex and two priests to search for certain pestilent heretics, "sons of iniquity," who he had lately heard were in the counties of Essex and Hertford. The commissioners were appointed "vicars general in spirituals and special commissaries," and empowered to deal with them according to law.[138] On July 20th, Pole gave an order for processions to be made.[139]

In September the pope recalled Pole, and appointed the friar Peto, whom he had made bishop of Salisbury, legate in his place;[140] but Peto dying soon after, and the queen objecting, nothing further came of it.

48. A.D. 1558. On January 20th, parliament, and the next day convocation, met; both being called together for the granting an aid.[141]

On the 24th, Harpsfield, the prolocutor, was summoned to Lambeth, where Pole declared to him the causes of the meeting, being the granting an aid, the recovery of Calais, and other matters.[142] On the 28th, Bonner "exhibited certain

[137] Burnet, II. p. 259; Collier, VI. pp. 162, 175; Strype, Eccl. Mem. III. pp. 340, 341; Dodd, by Tierney, II. p. clxii. The precedent was followed by Queen Elizabeth in July, 1559.

[138] Wilk. Conc. IV. p. 152. See Strype, for a later commission of Bonner's, Eccl. Mem. III. p. 455.

[139] Id. p. 153.

[140] Ante, p. 41; Dodd, I. pp. 474—476; Burnet, II. p. 263; Collier, VI. p. 160; Strype, Eccl. Mem. III. pp. 392—400. Pole was accused of heresy. Lingard, V. p. 254.

[141] Parl. Hist. I. p. 630; Burnet, II. p. 269; Collier, VI. p. 173. The convocation met at St. Paul's as usual.

[142] Pole is said to have spoken thus: "Quod cum de antiquo more Rex Angliae ob aliquot causas praelatos hujus regni ad concilium, sive parliamentum, suum adesse jubet, propter regis securitatem et hujus regni statum ac bonum pub-

matters collected in writing, which he and the other bishops thought becoming for the reformation of their dioceses." But as all the bishops were not ready, the reading and consideration were put off to another time. The prolocutor was, however, admitted, who presented a paper on the cause of the scarcity of clergy and its remedy. This, when read, was given to Pole. The bishops were then requested to put in writing what they thought needed reformation, and bring their notes the day following.

On February 4th, Bonner produced his book of articles, which was referred to a committee of bishops to consider.[143]

licum concernent consilia, et auxilia sua impensuros; ita archiepiscopus Cantuar. episcopos suos suffraganeos, praelatos etc. ad sacrum concilium evocare assolet de iisdem causis tractaturos et auxilia sua consimili modo daturos. Et inter alia monuit negotium maximi ponderis; scilicet cogitare quomodo oppidum Caleis ad pristinum jus regni vi armata reduci possit. Etiam censuit perpendendum, et istud imprimis, quomodo defectus ecclesiarum cathedralium, rectoriarum, vicariarium totius cleri, et status omnium dioceseos et provinciae Cantuariensis, et ut ecclesiae ex reginae munificentia dispositioni reverendissimi commendatae, recto ordine disponi et confirmari valeant. Et quid sibi videatur, voluit eos sibi significare. Et ad feliciorem expeditionem commissum est hoc negotium episcopis London. Roffen. Meneven. Petriburgen. et Gloucestr. ut consulta sua in scriptis renunciare velint quamprimum; deinde voluit reverend. statuta ecclesiarum noviter erectarum aut mutatarum, a regularibus ad seculares, expendi per episcopos Lincoln. Cicestren. et Petriburgen. item, et Nicholao Wotton (Cant.), Edmundo Sheard (Winton), et Setho Laud (Wigorn), ecclesiarum decanis; et quae consideranda sunt, referre reverendissimo, quam primum commode poterint." Wilk. Conc. IV. p. 155.

[143] Sequenti die 28 Januarii, episcopus London, "exhibuit in scriptis quaedam collecta, quae ipse aliique episcopi in suis dioces. reformatione digna esse existimarunt. Et quia omnes non parati cum suis collectionibus, ideo supersederunt de lectione usque in tempus magis opportunum. Deinde prolocutor cum clero intrans, porrexit patribus schedulam causarum raritatis presbyterorum ex una parte collectarum, et remedia, quibus major copia valeat haberi, ex adversa continentem. Qua lecta, per Henr. Cole decanum, &c., patres voluerunt, ut hanc schedulam traderet reverendissimo. Deinde monuit locumtenens praelatos inferioris domus, ut ipsi exhiberent in scriptis quod reformandum putarent, et exhiberent proximo die," viz. 4 Februarii ad quem continuata fuit synodus.

Quo die 4 Februarii, episcopus "London, proposuit quandam schedulam circa res divinas, qua lecta, rogabat patres, ut illi de remediis cogitarent, et deputarent certos episcopos, ut inter se consulerent. Deinde idem dominus praesidens consuluit, ut quia status hujus regni perturbatur ex infestatione Gallorum, et Scotorum, ipsi velint regiae majestati subvenire," &c. Wilk. IV. pp. 155, 156.

The president then urged the need of giving a liberal aid towards the expenses of the Scotch and French wars. This was unanimously assented to by the bishops, and a committee of six was appointed to settle with six members of the lower house the amount, method, and time of payment. After several debates, the clergy agreed to give eight shillings in the pound upon the value of their benefices, and Pole requested Heath to obtain the like sum from his province.[144]

On the 16th, Pole's wishes for carrying on the reformation of the church were made known to the upper house. On the 18th, after a conversation on the service of small livings, four articles were agreed upon.[145] On the 25th, the providing arms against the Scots, the dearness of fish, fasting, and the payment of tithes were discussed. Convocation was then prorogued to March 8th, and again to November 11th.[146]

49. On March 28th, Pole gave a commission to Harpsfield, Collins, and others, to enquire for, search out, and "exterminate" all heretics in his diocese, handing the obsti-

The proposed articles concerning doctrine and discipline are given in Wilk. pp. 156, 168. They were never agreed to by the bishops, the queen's reign coming so soon after to an end. For the proceedings of the York convocation, and for the provision of arms, see Wilk. Conc. IV. pp. 170, 171.

[144] Wilk. Conc. IV. p. 156. After 1462, the Canterbury constitutions bound the province of York ("pro jure observentur"). Wilk. Conc. III. p. 580. The clergy subsidy was confirmed by the 4 & 5 P. & M. c. 10. The eight shillings were spread over four years, and defaulters were to be deprived.

[145] They were: 1. That no priests be taken up to serve in the wars. 2. That two small benefices contiguate may be joined together *in commendam* by the bishop, to serve them "alternis vicibus." 3. That the parishioners of chapels annexed may be compelled to come unto the parish church, whereunto they be annexed for a time, till curates may be provided. 4. That the bishops may be authorised by the pope to give orders, "extra tempora prescripta. Quos articulos rogarunt patres dominum Cole, ut ipse eorum nomine reverendissimo exhiberet." Wilk. Conc. IV. p. 156. It was a "Reformatio doctrinae, disciplinae et ecclesiasticorum continentiae."

[146] Id. p. 156. The convocation met on the 17th, but "per mortem reginae et Cardinalis Poli soluta fuit." Id. p. 178. Pole died a day after the queen.

The 4 & 5 P. & M. c. 2, "for the having horse armour and weapon" related to the laity only. The clergy provision was therefore voluntary and patriotic. Upon the discharge of the first-fruits and tenths, see Wilk. Conc. IV. p. 175.

nate ones over to the civil power;[147] and on July 7th, we meet with a *significavit* of Pole's of the condemnation, by his commissioners, of three men and two women, who were afterwards burnt at Canterbury on November 10th.[148] They were the last who suffered for their faith, for, on November 17th, the shadow of death passed away with the queen.[149]

[147] Wilk. Conc. IV. p. 173; Strype, Eccl. Mem. III. p. 452. Harpsfield was archdeacon of Canterbury, and Collins was Pole's commissary general.

[148] Id. p. 174. Other judicial murders were contemplated, for there is a royal writ, or a form of the writ *de haeretico*, of November 13th, 1558, addressed to Bonner. Id. p. 177.

[149] For the funeral sermon, see Strype, Eccl. Mem. III. App. No. 81. "The foulest blot," says Lingard, "on the character of this queen is her long and cruel persecution of the reformers . . It is, however, but fair to recollect that the extirpation of erroneous doctrine was inculcated as a duty by the leaders of every religious party. Mary only practised what *they* taught." As a result of this teaching, he adds, "after every allowance, it will be found that, in the space of four years, almost 200 persons perished in the flames for religious opinion; a number, at the contemplation of which the mind is struck with horror, and learns to bless the legislation of a more tolerant age, in which dissent from established forms, though, in some countries still punished with civil disabilities, is nowhere liable to the penalties of death." Lingard, Hist. V. pp. 259, 239; Strype, Eccl. Mem. III. pp. 469—476, and App. p. 291, No. 85; Tierney's Dodd, II. pp. 101, n. 2, 106, n. 4.

It is well to remember that the persecutors were born and brought up in the belief that the extirpation of heresy, and by consequence, of heretics, was a primary *religious* duty. Mercy in such a case was a weakness, and toleration a crime. But they learnt *this* of ROME, where to this day the gospel of religious intolerance is preached with the fervour of a Dominic and the unrelenting zeal of a Pius V.; and all liberty of speech and conscience, and freedom to worship God are (as the heap of perilous trash put out in the "Syllabus" and in the "Vatican Acts and Decrees" abundantly proves) still, as ever, accursed. The Curia has never yet repealed one intolerant decree. All are now in force. The canon law is still written in letters of blood, and it is a first principle that they who "adversus excommunicatos zelo matris ecclesiae armantur non sunt homicidae." See Pithou, I. p. 324; Decret. II. caus. xxiii. Q.V. § 47; Constitut. "Apostolicae Sedis" of the Vatican Council, Acta et Dec. pp. 77—85; Conventiones de Rebus Ecclesiasticis by Nussi, Index s.v. "Potestas civilis" and "Religio Catholica"; Rambler, VIII. p. 83, XVI. p. 473, XVII. p. 34. By Queen Mary, the atrocities that are associated with her name were probably never regarded as calamities or crimes, but as the doing of a conscientious though painful Christian duty. The guilt and shame of it all rests not, as Lingard and other Roman authors try to make out, upon the queen and on the state, for they were but the executioners of the law, sentence, and will of a so-called Christian church. See Strype, Eccl. Mem. III. p. 168, and App. No. 82, 83, 84 for the queen's private prayers.

CHAPTER V.

THE REIGN OF ELIZABETH.

From November 17th, 1558, to March 24th, 1603.

I. A.D. 1558. Upon the accession of Queen Elizabeth,[1] a proclamation was issued, requiring all and everyone

[1] Upon the death of Queen Mary, the Queen of Scots laid claim to the throne, and at once assumed the style, title, and arms of the Queen of England. Thus began that conflict which ended in her death. Lingard, v. p. 7; Palatio, IV. pp. 215, 310; Pollini, p. 405. See Gobau, Epistolae, pp. 21, 52, 263, 365, 367, 430 for papal letters, and pp. 293, 428 for the authority of Rudolphus, and pp. 290, 293, 363, 427 for proofs of active papal hostility to England. See also Pagius, VI. pp. 662, 708; Gobau, Vita Pii, V. pp. 103, 104; Pollini, pp. 458, 467, 468, 550; and Catena, Vita Pii, pp. 113, 116 for other notices of the papal agent Rudolphus. Liguori says that Elizabeth was proclaimed on "the iniquitous will of Henry VIII.; for the crown by right belonged to Mary Stuart, queen of Scots, for Elizabeth's birth was spurious, as she was born during the lifetime of Henry's first queen and lawful wife." He adds that Elizabeth "was highly accomplished and learned both in science and languages. She spoke French, Italian, and Latin. She had besides all the natural qualities requisite for a great queen, but obscured by the Lutheran heresy, of which she was a follower in private. She commanded Sir Edward Carne, the ambassador in Rome from her sister Mary, to notify her accession and coronation to Paul IV., and present her duty and ask his benediction. The pope, however, answered that it was not lawful for her to have assumed the government of the kingdom, a fief of the holy see, without the consent of Rome; that it would be necessary to examine the rights which Mary, queen of Scotland, had to the throne also; and therefore she should place herself in his hands, and that she would experience from him paternal kindness." Hist. of Heresies, II. pp. 24, 25; p. 406, ed. Rome, 1839. Tierney, however (in the preface to Vol. IV. of Dodd), and Lingard (in his later editions) both discredit the account, but, as it seems, on insufficient grounds. Alex. Natalis gives the probable explanation when he says that Elizabeth *after* her *coronation*, which took place on January 14th, notified the fact to Paul IV. through Carne, "qui Mariae sororis legatione functus adhuc in aulâ Romana versabatur." Hist. VIII. p. 313. And so Spondanus, II. p. 579; and Pagius, Gesta, IV. pp. 395, 396, 400. It was apparently an unofficial communication.

The horrors of Queen Mary's reign probably did more than anything else to secure popular support for Elizabeth. See Palatio, IV. p. 215; Hallam, Const. Hist. I. 105—110; Acta Regia, p. 448; Burnet, II. pp. 278, 279; Baker, Chron. p. 330; Lingard, VI. p. 3; Strype, Ann. I. pp. 35, 36; Collier, VI. p. 185; Camden, Ann. p. 3; Sleidan, Chron. Cont. p. 23; Thuanus, I. p. 417.

not to attempt on any pretence the breach, alteration, or change of any order or usage presently established within this our realm.[2]

The old form of service was both retained and in use until December 27th, when another proclamation[3] silenced all preachers, and ordered the Gospel and Epistle of the day and the Ten Commandments to be read in English, without comment; but no one was to use

any other manner of public prayer, rite, or ceremony in the church but that which is already used and by law received, as the common litany used at this present in her majesty's own chapel, and the Lord's Prayer and the Creed in English, *until* consultation may be had by parliament by her majesty and her three estates of the realm for the better conciliation and accord of such causes as at this present are moved in matters and ceremonies of religion.

2. The Privy Council speedily disposed of all kinds and degrees of offenders, and also settled a jurisdiction dispute between the Lord Chief Justice of the Queen's Bench and the judge of the Admiralty, summoning both before the council to state their case.[4]

The service books of Edward VI. were referred to a mixed committee of eight appointed by the crown, to examine and report thereon to the queen. They soon called in others to their aid; and when the review was completed, it was sent by Guest to Cecil, with a paper of reasons and remarks.[5]

[2] Strype, Ann. I. App. p. 2.

[3] Id. p. 3, No. 3; Wilk. Conc. IV. p. 180; Card. D. A. I. p. 176; Conf. p. 19; Fuller, Bk. IX. p. 51. Heylyn talks of two proclamations, the one relating to preaching and the other to ritual. Burnet also distinguishes between the changes made, and says (as does Heylyn) that elevation was forbidden in the queen's chapel. Burnet, II. p. 282; Camden, p. 7; Heylyn, Hist. Q. Eliz. pp. 104, 105; Burn, Eccl. Law, III. p. 413, ed. 1848.

[4] Those who would preach, in spite of the proclamation, were had before the Privy Council and punished. Strype, Ann. I. pp. 42—47; id. p. 32; Collier, VI. 192.

[5] Heylyn, Tracts, Reform. of the Church, p. 16; Collier, VI. p. 238; Strype, Ann. I. p. 52; Card. Conf. pp. 19—22; Camden, p. 6. The committee does not appear to have been appointed under the great seal, or by any special commission, the supremacy acts being still repealed. Some alterations were afterwards made by the queen in council, before sending the book to parliament.

The revisers adopted the second book of Edward VI. and recommended the abolition of all vain and useless ceremonies, such as crosses, processions, and vestments,[6] and pointed out that prayers for the dead were no longer used in the communion, for that "to pray for the dead in the communion was not used in Christ's and His Apostles' time, nor in Justin's time," and Guest quotes Tertullian on antiquity as a test of truth.[7]

[6] One vestment, the surplice, was thought sufficient for all other purposes, and so for the communion; because in the existing Roman use it was worn in baptising, reading, preaching, and praying, so in the reformed use, if any other garment were used for the communion it would seem to make it of more importance than baptism, reading the word, and prayer. The surplice, or cotta, was and is used by seculars, the habit of their order by regulars, in preaching. See Card. Conf. pp. 48—54; Notes on the (Roman) Rubrics by O'Kane, pp. 57—62; Piscara, Praxis, Lib. II. II, c. 6, § 2, p. 175.

[7] "Id esse Dominicum et verum, quod sit prius traditum; id autem extraneum et falsum, quod sit posterius immissum." Adv. Haeret. c. 31, p. 210, ed. 1617. In *Breeks* v. *Woolfrey* (1 Curt. p. 880) the court held that there was no authority or canon expressly prohibiting prayers for the dead. But apart from the fact that the directions to use no other order or form of prayer save that provided are definite and exact, the principle that, in a revision, omission is rejection and prohibition is now too well established to admit of any doubt that prayers for the dead are unlawful in the Church of England; and thus money or property given for the saying of mass or prayers, the maintenance of lights, obits, and such like, for the souls of the dead, goes, as a superstitious use, to the residuary legatees or next of kin. It was held that as to charitable foundations for praying for souls, &c. it is sufficient, since the Reformation, if the tenant in free alms "saith the prayers now authorised." 1 Inst. Lib. II. c. vi. § 135, 95*b*. The Church of England, in accord with Christian antiquity, celebrates, in the triumphant strains of her noble burial service, the victory over death and the entrance into the endless "joy and felicity" of the eternal life. With psalmody the dead were anciently carried forth; and the roof of the church shook as it rolled back the pæans of gladness for those whom God, of His great mercy, had delivered from the burden of the flesh and the miseries of this sinful world, and taken to LIVE with HIM. Such have no need of our prayers; if it were possible, we have the rather need of theirs. For the "perfect consummation and bliss both in body and soul," in the "eternal and everlasting glory," the church does indeed pray, not only for the dead but the living. More than this she knows not. "Sonabant psalmi, et aurata tecta templorum reboans in sublime quatiebat alleluia." Jerome, Epitaph. Fabiolae, tom. v. fo. 92*a*. "Nunc igitur pro brevi labore, aeterna beatudine fruitur, excipitur angelorum choris." Id. De exitu Leae, tom. v. p. 70. Cyprian taught, "Fratres nostros non esse lugendos accersione dominica de seculo liberatos, cum sciam non eos amitti, sed praemitti, recedentes praecedere, ut

3. A.D. 1559. On January 14th, Elizabeth was crowned at Westminster by Oglethorp, the bishop of Carlisle, the service in the Roman pontifical being used. On the 23rd, parliament, and, the next day, the Canterbury convocation, met. In the last, Bonner declared the cause of the meeting, and explained that, owing to the proclamation, there would not be the usual sermon. He then directed the clergy to choose a prolocutor, who was to present himself between nine and ten on the Friday week, "if parliament were sitting." After another week's adjournment, Bonner asked if the lower house had thought of anything which they wished then to explain. The prolocutor replied that they knew not of what cause or matters to treat. To this the bishops answered that the queen should be petitioned not to impose any burden on the clergy "in that parliament." The raising of a subsidy was then treated of, and the houses adjourned till February 25th.

4. On that day the prolocutor presented certain articles which, he said, the clergy had devised for the relief of their consciences and as a protestation of their faith; and they requested that the bishops would be their leaders in the matter. On the next day (Friday), in answer to an inquiry by the clergy as to whether their articles had been shewn to the "upper house of parliament," Bonner "replied that he had exhibited them to the Lord Keeper of the Great Seal in the upper house (*in superiori domo*), as he was the speaker of all the lords of that house;" and that the articles were received, as it appeared, graciously, but no reply was made to them. The prolocutor then asked that the good pleasure of the lord keeper might be learnt before the next sitting. The subsidy was then discussed. Nothing more was heard of these articles, save that the two universities had agreed to all save the last of them; and on May 9th convocation was dissolved.[8]

proficiscentes et navigantes desiderari eos debere, non plangi; nec accipiendas esse hic atras vestes, quando illi indumenta alba jam sumpserint." De Mortalitate, fo. 213, ed. Basil, 1521. Passages like Phil. i. 23, 2 Thess. iv. 13—18, Heb. xii. 23, point to little need of *our* prayers for those who are as a fact σὺν Χριστῷ. See post, n. 58.

[8] Wilk. Conc. IV. pp. 179, 180; Strype, Ann. I. pp. 55, 56; Lathbury, pp.

5. In parliament the lord keeper made a speech declaring the "chief causes and considerations" for its meeting,[9] and the 1 Eliz. c. 1 restored to the crown the "ancient jurisdiction over the state ecclesiastical and spiritual."[10] It provided

154—156; Collier, VI. p. 195; Joyce, Synods, pp. 537—539. The York convocation met upon the royal writ, but nothing is known of its proceedings.

The articles as framed and presented by the clergy were: 1. That the natural body and blood of Christ were present in the sacrament of the altar, under the appearance of bread and wine. 2. That after consecration there remains no other substance but that of God and man, "substantia Dei et hominis." 3. That in the mass is offered the true body and blood of Christ, a propitiatory sacrifice for the living and the dead. 4. That to Peter and his lawful successors in the apostolic chair, as to Christ's vicars, is given the supreme power of feeding and ruling the Christian church militant and of confirming his brethren. 5. That the authority of treating of and defining matters of faith, the sacraments, and ecclesiastical discipline has hitherto belonged and should belong only to the pastors of the church (whom the Holy Ghost hath for this purpose placed in the church of God), and not to laymen. These articles were presented to the bishops, "humiliter supplicantes ut quia nobis non est copia hanc nostram sententiam et intentionem aliter illis, quos in hâc parte interest, notificandi, vos, qui patres estis, ista superioribus ordinibus significare velitis."

The question of the subsidy had, it would seem, to be treated of anew by reason of the abrupt ending of the last convocation and parliament. A "subsidy" was a poll-tax on each person, assessed on their goods and lands; a "tenth" or "fifteenth" was a tax on every city and town. Parl. and Counc. p. 215. In the account of this convocation we read of "praelatos inferioris domus" and "clerus inferioris domus," as distinguished, perhaps, from the other houses of *parliament*, of which convocation formed a part. See ante, p. 170, n. 123.

[9] Parl. Hist. I. p. 635.

[10] Nine bishops and the Abbot of Westminster voted against it. § 1 repealed 1 & 2 P. & M. c. 8. § 2 revived 23 Hen. VIII. c. 9, on foreign citations; 24 Hen. VIII. c. 12, appeals to Rome; 23 Hen. VIII. c. 20, payment of annates; 25 Hen. VIII. cc. 19, 20, 21, the submission of the clergy and consecration of bishops, and exactions from Rome; 26 Hen. VIII. c. 14, on suffragans; 28 Hen. VIII. c. 16, on dispensations, and extended them to the queen's heirs and successors. § 3 revived the 32 Hen. VIII. c. 38 (as amended by 2 & 3 Edw. VI. c. 23) and 37 Hen. VIII. c. 17, as to doctors of law. § 4 provided that all statutes repealed by 1 & 2 P. & M., and not in this act specially mentioned and revived, were to continue repealed. § 5 revived the 1 Edw. VI. c. 1 on "the sacrament of the altar." § 6 repealed the heresy acts, 1 & 2 P. & M. c. 6; 5 Ric. II. st. 2, c. 5; 2 Hen. IV. c. 15; 2 Hen. V. c. 7; and § 9 provided a form of oath of the supremacy of the crown, to be taken by all officials and ministers ecclesiastical and temporal, and all who took orders or university degrees. The 28 & 29 Vict. c. 122, § 15 substituted another form to be taken by all ministers. Ante, p. 6, n. 12. For the speeches of the Archbishop of York

that such jurisdictions, privileges, superiorities, and pre-eminences, spiritual and ecclesiastical, as by any spiritual or ecclesiastical power or authority hath heretofore been or may lawfully be exercised or used for the visitation of the ecclesiastical state and persons, and for reformation, order, and correction of the same, and of all manner of errors, heresies, schisms, abuses, offences, contempts, and enormities, shall for ever by authority of this present parliament be united and annexed to the imperial crown of this realm.[11]

Provision was also made that the crown should, when it pleased and thought meet,

have full power and authority by virtue of this act, by letters patent under the great seal of England, to assign, name, and authorise when . . . convenient . . . such person or persons being natural born subjects . . . to exercise, use, occupy, and execute[12] all manner of jurisdictions, privileges, and pre-eminences, in anywise touching or concerning any spiritual or ecclesiastical jurisdiction, . . . and to visit, reform, redress, order, correct, and amend all such errors, heresies, schisms, abuses, offences, contempts, and enormities whatsoever which by any manner of spiritual or ecclesiastical power, authority, or jurisdiction can or may lawfully be reformed, ordered, redressed, corrected, restrained, or amended . . . according to the tenor and effect of the said letters patent.[13]

and the Bishop of Chester see Parl. Hist. I. pp. 643, 650; Strype, Ann. I. App. pp. 7, 12; Burnet, II. pp. 287, 288; Collier, VI. pp. 214—219.

[11] § 8, rev. and Parl. ed. This clause of the statute was merely declaratory of the old law. 5 Rep. p. 8; 4 Inst. p. 325.

[12] "Under," and not independently of, the crown.

[13] § 8, Parl. ed. 1818. As a commission is a delegation by statute or by the common law, whereby the power to exercise a jurisdiction or authority is conferred on others, the commissioners must keep within the limits of their commission, which would in this case be defined by the letters patent. 4 Inst. p. 163. Coke points out that nothing was intended but the visitation of the ecclesiastical state and persons, and of all errors, heresies, &c. which were criminal. 4 Inst. p. 326. The commissioners, whether ecclesiastical or lay, could of course deprive, excommunicate, &c. if within the scope of their commission (though the power to visit implies power to deprive), but as to the power to imprison, except for contempt, or to fine, see 4 Inst. 325—334. It seems that by the common law the crown might have made such a commission, but Bishop Stillingfleet insists that the ecclesiastical jurisdiction gave no such power, nor enabled commissioners to proceed *in primâ instantiâ* by ecclesiastical censures. 5 Rep. fo. 1*a*.; Stillingfleet, Eccl. Cas. II. pp. 83—223. The *jurisdiction* itself was still annexed to the crown, the

And the act further provided that the commissioners, so then or afterwards to be appointed, should not have authority or power

to order, determine, or adjudge any matter or cause to be heresy, but only such as heretofore have been determined, ordered, or adjudged to be heresy by the authority of the canonical Scriptures, or by the first four general councils, or by any other general council wherein the same was declared heresy by the express and plain words of the said canonical Scriptures, or such as hereafter shall be ordered, judged, or determined to be heresy by the high court of parliament of this realm, with the assent of the clergy in their convocation.[14]

6. The next statute, the 1 Eliz. c. 2, revived Edward's acts of uniformity, and directed the use of King Edward's *second* service book, as altered. The lords spiritual present dissented, and it was therefore passed by the assent of the lords tem-

administration of it being exercised by and limited to the commissioners according to the tenor of the commission. There is nothing "extraordinary," as Stillingfleet thinks, in this, except its being special, and so distinct, from the ordinary or common jurisdiction of all bishops and others, which they have *ex officio* and of necessity annexed to their office. 4 Inst. 163, 326.

[14] § 20. By the civil law the decrees of the first four general councils had the force of law, and were to be received as the scripture itself. Corp. Jur. Civ. Nov. Const. Tit. XIV. Nov. 131, c. 1; and see Greg. I. Op. II. p. 757; so Ælfric. Can. 33; Thorpe, A. S. Laws, II. p. 357. The Roman canon law says the same, "Sicut quatuor evangelia ecclesia catholica veneratur." Decret. Greg. IX. Lib. I. Tit. IX. § xi. "Quatuor esse scimus venerabiles synodos, quae *totam* principaliter *fidem* complectuntur, quasi quatuor evangelia vel totidem paradisi flumina." Dec. Pars. I. Dist. XV. § 1, and see § 2. But the decretals of the popes are of equal authority, for we read that "Inter canonicas scripturas decretales epistolae connumerantur." Id. Dist. XIX. c. vi. The Council of Trent makes "tradition" of equal authority with scripture, "Pari pietatis affectu et reverentia suscipit ac veneratur." Labbe & Coss. XIV. col. 746; and the text of the old Latin Vulgate is to be received on pain of anathema, and not to be interpreted contrary to the sense "quam tenuit et tenet sancta mater ecclesia" or "contra unanimum consensum Patrum." Sess. IV. Decret. de edit. et usu Sacrorum Librorum. The Index Lib. Prohib. forbids the use of the scriptures in the vulgar tongue without the consent of the bishop, inquisitor, or parish priest. Reg. IV. p. xiv. ed. Rome, 1876. And see as to heresy, ante p. 160, n. 95. The enactment was needed because everyone was a heretic who differed from Rome, and as the church took their bodies and goods for the good of their souls (leaving their families to starve), to be wealthy was often a most fatal heresy.

poral and commons only.[15] Feckenham and the Bishop of Chester spoke against the bill. The former objected on the ground of novelty; the latter, for that it was a breach of unity, and that the matter was not within the competency or jurisdiction of parliament, legislation on such matters and things being *ultra vires*, for that parliament could not "intermeddle with matters of faith and religion, far passing reason and the judgment of man, such as the contents of this bill" were; and because it was clear by the alteration of the words in the consecration prayer from, "that thy creatures may be made unto us the body and blood of our Saviour Jesus Christ" to, "that we *receiving* these thy creatures of *bread and wine*, &c." that "they intend no consecration at all; and let them glory as much as they will in their communion, it is to no purpose, seeing that the body of Christ is not there." The bishop pointed out that there was no consecration nor sacrificial oblation in the new service, and so no real presence, but the contrary.[16]

The Lords and Commons, however, in spite of the opposition of all the nine bishops present, and without any reference to convocation or any church synod, passed the bill, and the revised book became law.

7. To please the queen, a clause was inserted in the act providing[17]

[15] See § 4, rev. ed. For the alterations made in the revised liturgy, see Joyce, p. 542 n.; Collier, IX. p. 321, no. 77; Card. Conf. pp. 31—33; Strype, Ann. I. pp. 81—85; Lathbury, Hist. Conv. pp. 158, 159.

[16] Parl. Hist. I. pp. 666, 670, 671, 674; Collier, VI. pp. 224—233, 234—240; Strype, Ann. I. pp. 75—80, App. pp. 24—33; Card. Conf. pp. 98—117.

[17] A proviso takes special and unconnected matter out of the general enactment. The clause itself consists of two parts (§ 25 and § 26 in Ruffhead, and § 13 in the revised edit.), and it contains two distinct enactments, the two subjects being tied together by the same copula. For the want of attending to the principle *reddendi singula singulis*, Mr. Parker, overruling Lord Selborne and the Judicial Committee, says, "It appears to me, my lord, that the two clauses should be taken together, in order to form a just view of the import of the words 'until other order,' &c. . . . The meaning of the two is that the queen reserves the right to take further order in the use of ornaments, and ordain and publish further ceremonies." Happily for students, Mr. Parker's precepts do not agree with his examples; for, in contrasting the order taken by the queen in 1561 with the

that such ornaments of the church and the ministers thereof shall be retained and be in use as was in this Church of England by authority of parliament in the second year of the reign of Edward VI., until other order shall be therein taken by the authority of the queen's majesty, with the advice of her commissioners appointed and authorised under the great seal of England for causes ecclesiastical, or the metropolitan of this realm.[18]

advertisements, he correctly says, "the order of 1561 is the queen's personal act, by the queen and from the queen, while the advertisements of 1566 are *not*. . . . The order of 1561 represents itself as *a royal warrant*, while the advertisements of 1566 represent themselves as *advertisements* only issued by the archbishop by virtue of the queen's letters directed to him." They were not, as he says, given by the queen at all; but, "although *issued on the sole authority of the crown*, they were drawn up, no doubt, by the archbishop, with the assistance of the other 'commissioners in causes ecclesiastical.'" Letter to Lord Selborne, pp. 8—14; Introd. to C. P. p. 1. The fact is that "other" and "further" are neither synonymous nor convertible words, nor (as Mr. Parker thinks) "interchangeable." Postcript, p. 165. Here, too, he again corrects himself, for speaking of the two clauses of the act, he writes, "The first relates to other order respecting ornaments; the second to *further* order respecting rites, &c.; but both (being coupled by 'and also') are parts of one 'Provided always, &c.'" Ed. p. 165. Generally and usually "other" is not synonymous with "further," the one implying distinction, change, substitution, and difference, the other addition or advance.

[18] "*Retained and be in use.*" The second book of Edward VI. as altered was restored, but such ornaments as had parliamentary authority in the year ending January 31st, 1549, were to be retained and used. The point was taken by a very eminent authority in 1867, who said that "an enactment that certain things shall be *retained* and be in use naturally implies that the former state of things is to be *continued*. Sir R. Palmer, Rit. Com. Rep. I. p. 139. Only things and ornaments in existence could be *retained*, but, as they might have been retained and not been used, the act directed them to be retained and used.

"*By authority of parliament.*" That is, says Mr. Parker (confirming the decision of the Judicial Committee), "such ornaments as were in use *in the second year* of Edward VI., i.e. *according to the old book of* 1549." Introd. p. xliv. See Liddell *v.* Westerton, Brooke, p. 54; Brod. and Free. p. 132. The compilers of "Ritual Conformity" say, "The ornaments of the second year are those which were intended to be, and were actually, used under the Prayer Book of 1549." But they include "those prescribed by that book, as well as those implied in it"; and see ante, p. 93, § 21, 22 for those neither prescribed nor implied. What all this means is by no means clear, but it is well to remember that the committee had difficulties other than those of the subject to contend with; and great allowance must therefore be made for obscurities. On applying to the chairman (the Rev. Berdmore Compton) for information on a point treated of, he very kindly replied, "I am sorry that my knowledge of scientific ritual is not sufficient to give an authoritative answer to your questions. My colleagues in the conference which

And also, that if there shall happen any contempt or irreverence to be used in the ceremonies or rites of the church by the misusing the orders appointed in this book, the queen's majesty may,[19] by the like advice of the said commissioners or metropolitan, ordain or publish such further ceremonies or rites as may be most for the advancement of God's glory, the edifying of His church, and the due reverence of Christ's holy mysteries and sacraments.

The powers reserved applied to ornaments, ceremonies, and rites only; and the ornaments retained were for use and not for decoration or show, and for use by the minister, both at communion time and all other times of his ministration in the church, *until* "other order" was taken. The "gloss" was, that they remained for the queen, for whose good pleasure they were retained.

8. The queen had the second rubric in King Edward's second book struck out, and the following put in its place:

And here it is to be noted that the minister at the time of the communion, and at all other times in his ministrations, shall use such ornaments in the church as were in use by authority of parliament in the second year of King Edward VI. according to the act of parliament set forth in the beginning of this book.[20]

This rubric was not in the copy of the book sanctioned

led to the publication of 'Ritual Conformity' were kind enough to make me their chairman, but certainly not on the ground of ritual learning. I was but a learner while presiding over their deliberations." The first proposition of the committee, "that the evil of unnecessary diversity in ritual, as practised in various churches aiming at the maintenance of catholic doctrine and usage in the Church of England is real and great," is, however, one with which all must agree.

[19] "*The queen's majesty may*," &c. When an act speaks of the king generally and indefinitely in his political capacity, it extends to his successors. 12 Rep. p. 110. King James relied on this clause for the alterations made in 1603 by his authority in the prayer book. Card. Conf. p. 217.

[20] Mr. Parker thinks otherwise, and that it was inserted "by the revisers" on the authority of a letter from Sandys to Parker. Introd. p. xliv. But the letter, or rather the extract given by Strype, scarcely sustains this view. Ann. I. p. 83. Strype himself seems to be of Mr. Parker's opinion, but the reference to "the act of parliament set forth at the beginning of this book" seems inconsistent with the theory. See the letter in full, Burnet, II. App. p. 253. The rubric makes it plain that the act referred, not to the ordinary everyday "apparel" of ministers, but to that worn when officiating in the church.

by parliament, and therefore so far lacks parliamentary authority. But, as has been said, the act sanctioned

the principle of the change; the very words used of the new rubric being almost the same as those of Clause 25 of this same Act of Uniformity. The reason for making a separate clause in the act, instead of putting the change on the same level with other changes in the Prayer Book, is to be found[21]

in the fact that section 25 was "an order to continue or not in force as should be found expedient," or more exactly "until other order" were "taken by the authority of the queen's majesty" in the manner prescribed by the act. When that "other order" was taken, the retention and use of the ornaments of the second year of Edward VI. would be unlawful; just as much as it would when they were either destroyed or gone, for they could then of course be neither retained nor used, from having, in fact, ceased to exist.[22]

9. The revised book was to come into use on the "Nativity of St. John the Baptist next ensuing," and the strictest conformity was required, upon pain of imprisonment, forfeiture, and deprivation, as prescribed by the act.[23]

[21] Parker, Introd. p. xliv.

[22] See ante, p. 34, n. 63. The question of taking "other order," however interesting and important in 1564 and still later, was not such a material one in 1662, as we shall hereafter see.

[23] § 2, rev. ed. See ante, p. 3, for the 1 Eliz. c. 2. § 2, and 2 & 3 Edw. VI. c. 1, § 2. As to the duties of ordinaries in maintaining order and discipline and securing an honest conformity to the liturgy, see 2 & 3 Edw. VI. c. 1, § 12, 13, rev. ed.; 5 & 6 Edw. VI. c. 1, § 2, 3; 1 Eliz. c. 2, § 4, 5, 6, 12, rev. ed.; and ante, p. 6. It will be seen that the acts of uniformity gave the temporal courts jurisdiction over the clergy for offences which till that time had been only dealt with by the ordinary and in the spiritual court, and the 13 & 14 Car. II. c. 54, § 20 continued and confirmed this jurisdiction. As everyone ordained has, of his own free will and accord, solemnly and *ex animo* submitted himself to, and accepted the provisions of, the acts of uniformity, the objection to the jurisdiction of "lay" or "act of parliament" courts is neither constitutional nor intelligible, but Roman rather than Anglican. It is on a level with the nonsense written about "judgments of policy" by those who judge others by themselves, and, having lost all self-respect, are unable to respect others. The theory that any statute that is to bind the church in matters spiritual with civil sanction "must be enacted or accepted by convocation also," and until this is so "it is

The effect of the Act of Uniformity was not only to restore the second book of King Edward VI., with the very few statutory alterations and additions therein and thereto then made, but to retain for use such ornaments as were in use "by authority of parliament," in the second year of that king, all canons, injunctions, and laws whatsoever prescribing or establishing any other use, service books, rites, ceremonies, or ornaments being swept away.[24]

10. Nonconformists who were absent from church without reasonable excuse on Sundays or holydays were subject to the censures of the church and a fine of twelvepence.[25]

The powers and jurisdiction of all ordinaries were, however, expressly continued, extended, and protected by the act. And they were required to put these powers in force, both

in their visitations, synods, and elsewhere within their jurisdiction, at any other time and place, to take accusations and informations of

absolutely illegal to enforce or obey it," is in flat contradiction to, and at variance with, history and those very first principles which everyone when ordained has deliberately assented to. The acts of uniformity, sanctioning the public liturgy of the church, were enacted by the crown and parliament without consulting convocation at all.

Mr. Droop seems to think that the service book referred to by Guest was not the one sanctioned by Elizabeth's Act of Uniformity, for the reasons given in the note to p. 4 of the "Edwardian Vestments." But although all the alterations or suggestions made by the committee were clearly not adopted, there seems no real ground for thinking that Guest's letter "relates to some other service book which Guest desired to substitute for the Elizabethan prayer book." See sects. 4 and 5 of "The Device for the Alteration of Religion," and the heading of Guest's letter to Cecil. Card. Conf. pp. 21, 22, 47, 48.

[24] See ante, p. 5. The provisions and effect of the 1 Eliz. c. 2, § 14 (rev. ed.) are entirely overlooked by many writers, who insist on going back to pre-Reformation legislation to discover the ornaments proper to be used. See Perry's Lawful Church Ornaments, pp. 38, 311, 463. The ornaments retained were of course then in existence, having been restored by Queen Mary. The queen is said to have used the revised book in her chapel so early as May 12th. The only alterations mentioned in the act are "one alteration or addition of certain lessons to be used on every Sunday in the year, and the form of the litany altered and corrected, and two sentences only added in the delivery of the sacrament to the communicants." § 2, rev. ed. See ante, pp. 96, 98, 121, 122; Strype, Ann. I. p. 135.

[25] § 3. See Sanders, De Orig. p. 335.

all and every the things above-mentioned done, committed, or perpetrated within the limits of their jurisdiction and authority to punish the same by ecclesiastical censures.[26]

The act, however, made no mention of King Edward's ordinal, and questions being raised as to the validity of the bishop's consecrations, a subsequent statute cured the alleged defect.[27]

11. The 1 Eliz. c. 3 recognising the queen's title, the 1 Eliz. c. 4 restoring the first-fruits and tenths of all spiritual promotions to the crown, and the 1 Eliz. c. 19, empowering the queen on the voidance of a bishopric to take a certain portion of the property, being (with other acts) passed, parliament was dissolved on May 8th.[28]

12. Whilst it was sitting, a disputation was held at Westminster, by order of the Privy Council, between eight disputants on the Roman and eight on the Reformation side. The lord keeper and the council and the whole House of Commons, and "no doubt the Lords also," went on March 31st to hear it, each side having to declare their judgment in writing on certain propositions.

On the side of the Reformation the authority of "our mother the true catholic church of Christ, which is grounded upon the doctrine of the apostles and prophets, and is of Christ the Head in all things governed," was alleged and claimed, and profession of adherence to the three creeds formally made. And for the "judgment of the whole controversy," reference was made to "the most holy scriptures

[26] § 4, 11. See ante, p. 6. The act being in the affirmative, did not take away the existing ecclesiastical jurisdiction and process, but enforced it, extending it to places exempt; but offenders were not to be subject to double punishment. See App. A, Q.

[27] 8 Eliz. c. 1. See ante, pp. 103, 119; Strype, Ann. I. pp. 249, 377—382; Dyer, 234 *a*.; 4 Inst. p. 321.

[28] The first-fruits and tenths were afterwards given up by the crown, and the corporation known as "Queen Anne's Bounty" founded. 2 & 3 An. c. 20; and see Index to the Statutes, s. v. "Queen Anne's Bounty." The Canterbury convocation was dissolved the next day, the see of Canterbury and nine others being vacant. Wilk. Conc. IV. p. 182.

and the catholic church of Christ," whose "judgment" ought to be "most sacred."

By the "Word of God" was meant the written word or canonical scriptures. By the "custom of the primitive church" was meant the

"order most generally used in the church for the space of five hundred years after Christ."

By the "catholic church" was understood, not

"the *Romish* church, whereunto our adversaries attribute such reverence, but that which St. Austin and other fathers affirm ought to be sought in the holy scriptures, and which is governed and led by the Spirit of Christ."

And the points debated were,

That it is against the word of God and the custom of the primitive church to use a tongue unknown to the people in common prayers and administration of the sacraments.

That every particular church hath authority to institute, change, and abrogate ceremonies and rites in the church, so that it be to edify.

Whether the mass be a propitiatory sacrifice for the living and the dead.[29]

13. The conference broke up owing to a squabble, and the unseemly behaviour of the Roman side, who insisted that the doctrine of the catholic church was already established, and ought not to be disputed, except it were in a synod of divines; that it was too great an encouragement to heretics to hear them discourse against the faith before the unlearned multitude, and that the queen by so doing had incurred the sentence of excommunication, and they talked of excommunicating her and the council.

For this threat the Bishops of Winchester and Lincoln were sent by the council to the Tower, and the rest were heavily fined.[30]

[29] The lord keeper took the chair. Collier, VI. pp. 197—213; Strype, Ann. I. pp. 87—94; Burnet, II. pp. 289—292 (who says there were nine of a side). See Fuller, Bk. IX. p. 56; Camden, Eliz. p. 10; Card. Conf. pp. 55—93; Dodd, II. p. 6; Wilk. Conc. IV. p. 191.

[30] Sanders, De Orig. pp. 352—355; Collier, VI. p. 205; Burnet, II. p. 291. Strype says the bishops were committed by the council on April 3rd. Ann. I. p. 94.

14. On May 15th, the queen sent for the Archbishop of York and the thirteen other bishops, being all then alive, and called their attention to the acts of supremacy and uniformity lately passed, but, as it appears, without any good result; Heath, the archbishop of York, refusing compliance in the name of the rest. Kitchen, bishop of Llandaff, was the only one who afterwards conformed.[31]

On the 18th, the Privy Council met and discussed the matter, when it was decided that the oath of supremacy and allegiance should be tendered to all. This was soon afterwards done, and those who declined were deprived, as it would seem, by mixed commissions, the first sitting known being on June 18th, at the Bishop of London's palace, when Bourne, the bishop of Bath and Wells, was deprived by a commission of two lawyers and a divine, and committed for nonconformity.[32] On the 20th, a royal commission for the

The abrupt termination of the meeting by the bishops drew from the lord keeper the remark, "Seeing, my lords, we cannot now hear you, you may perchance shortly hear more of us" (Fuller, IX. p. 57); and so, it appears, they did.

[31] Strype, Ann. I. pp. 139, 141; Collier, VI. pp. 240—242. The refusal seems to have been dictated by policy rather than by conscience, so far as some, and perhaps all, of the bishops were concerned. Heath, Thirlby, and Bonner had been consecrated bishops in 1540, and did not scruple to take the oath of supremacy to Henry VIII.; Tonstal had protested and submitted, whilst Bonner had written the preface to Gardiner's book. Ante, p. 39; Sanders, De Orig. p. 335. Camden calls Kitchen the "calamity of his see"; the reason being that he is said to have let the lands of the bishopric on long leases. But, considering that the annual income was but £126, being the lowest of all the bishoprics except Bangor, the plunder could not have been very great. Fuller, too, points out that the bishops gave leases in fear of, and to prevent, alienation, and that many forged leases were current. But it is curious that at the present time we every now and then meet with the stale and long since refuted stories of Sanders and others retailed as new and absolute verities by ignorant or unscrupulous partisans. Camden, Eliz. p. 17; Fuller, IX. p. 59; Dodd, I. p. 376, II. p. 42; Strype, Ann. I. pp. 139, 153; Heylyn, Eliz. p. 114; Burnet, II. p. 295.

[32] Strype, Ann. I. pp. 167—172. The oath of allegiance ran as follows: "I, A. B., do utterly testify and declare in my conscience that the queen's highness is the only supreme governor of this realm, and of all other her highness' dominions and countries, as well in spiritual or ecclesiastical things or causes, as temporal; and that no foreign prince, person, prelate, state, or potentate hath or ought to have any jurisdiction, power, superiority, pre-eminence, or authority, ecclesiastical or spiritual, within this realm; and therefore I do utterly renounce

University of Cambridge was issued. The commissioners framed certain statutes and a form of commemoration of benefactors.[33] On the 21st, five more bishops were deprived.[34]

15. JUNE 24th, 1559. The revised liturgy now came into use, the old service and ornaments having been retained and in use from November 17th; but now King Edward's second

and forsake all foreign jurisdictions, powers, superiorities, and authorities, and do promise that from henceforth I shall bear faith and true allegiance to the queen's highness, her heirs and lawful successors, and to my power shall assist and defend all jurisdictions, pre-eminences, privileges, and authorities granted or belonging to the queen's highness, her heirs and successors, or united and annexed to the imperial crown of this realm." 1 Eliz. c. 1. § 9, rev. ed.; and see 5 Eliz. c. 1. § 5; 27 Eliz. c. 11, § 10; 3 Jac. 1. c. IV. § 15; 1 W. & M. sess. 1. c. 8, §§ 2, 11, 12.

To refuse to take the oath was treason; but Jesuits, seminary priests, priests, deacons, or other religious or ecclesiastical persons who truly and sincerely took it and consented to obey the laws, were excepted out of the penalties of the Elizabethan acts. And it was on the taking of the oath the conflict came. In September, 1606, and again in August, 1607, the pope formally forbad the taking of the oath of *allegiance*, and openly encouraged rebellion and treason, urging resistance and insurrection. The touching appeal of the eleven priests, who were confined in Newgate for refusing to take the oath of allegiance, appears to have been treated with contemptuous neglect by Paul V.; and yet they said, "Regiae majestatis offensionem incurrimus, quia *tuae causae*, justissimam licet, defensionem instituimus." The "martyrs" of the Elizabethan and succeeding reign, died because, says Berington, "when called upon by the legal authority of their country, they would not declare that the Roman bishop, styled the vicar of Him, *whose kingdom is not of* this world, had no right to dethrone princes." It "was *not* for any *tenet of the catholic faith* they were exposed to prosecution," but because, in fact, they were loyal to the pope and disloyal to the state. They were *not* put to death for *religion*. Dodd, II. pp. 18, 403, 463—465, 522, 483—526; Tierney, IV. pp. cxl., cxlvi., ccv.; Collier, VI. pp. 335—349; IX. pp. 358, 365; Supplicatio Rog. Widdrington and the Appendices; Berington's Mem. of Panzani, Introd. pp. 86, 34, 24—36, 69, 73, 76—84; and see Rights of Dissenters, by Berington; The Catholic Supplication; Εξετασις of Pacenius; Campiani Rationes; Actio in H. Garnetum; Apologia pro Juramento; Jesuit's Memorial; Apologia pro Jure Principum; A Remonstrance of K. James; Card. Perron's reply; De officio Principis of Bellarmine; Examen praef. monit of Aurelius; Carey's Catechist Catechised; The Jesuit's loyalty; Responsio ad Edictum, etc. Much of the mischief was done by Parsons, the Jesuit, who is called by Berington "the calamity of the English catholics." Panz. Mem. p. 83; see ante, p. 114, n. 103; App. R.

[33] Lamb, Collect. of C.C.C. MS. pp. 275—310.

[34] Strype, Ann. I. pp. 141—148; Collier, VI. pp. 241, 242; Fuller, IX. p. 58. The Bishops of Lincoln and Winchester were deprived on June 25th, Bonner on the 29th, Heath and Thirlby on July 5th, and the Bishop of Durham on Sep. 29th.

book, as amended, was restored, such of the ornaments as were prescribed in the first book being retained. The wisdom and necessity of making a wholly new start and fresh departure, clear of and free from all the entanglements of the past, is readily seen. And our enquiry into the existing ritual and ceremonial of the Church of England properly begins from this date. From this time all subsequent changes are easily traced, and their nature and result exactly and clearly ascertained.[35]

16. Objections to the restoration were freely made. It was said that the book was illegal; the law establishing it not having been allowed "by the clergy of England at the last parliament," and being "only agreed upon by the laity, who had nothing to do in spiritual matters," for "that nothing could be concluded as a law in parliament but by consent of the clergy there present." To this it was replied, that it was "but just as Queen Mary had done before, who by her statute took away one religion and brought in another; and no more was done now."[36]

The objectors were soon put to the test; for, a royal visitation being determined on, commissions were issued for that purpose.

17. The commission for the province of York was dated June 24th, and consisted of thirteen laymen and one clergyman, and he was not of the quorum. That for Canterbury is missing, but it, and the rest, would probably run in the same terms. The composition and dates of the five other commissions for the nineteen southern dioceses are, however, preserved, and in each of them there is a large majority of laymen.[37]

[35] Strype, Ann. I. p. 135; Camden, Eliz. p. 19; ante, p. 5.

[36] Strype, Ann. I. pp. 135, 136; Collier, VI. p. 255.

[37] Wilk. Conc. IV. p. 193; Card. D. A. I. p. 217; Burnet, II. p. 298, App. p. 267. Strype gives the dates and composition of all the various commissions, that for Canterbury excepted (Ann. I. pp. 165—173). The London commissioners were two lawyers and one clergyman. They deprived several bishops, and ordered, on their visitation at St. Paul's, that the church should be purged from all its "images, idols, and altars," and "in the place of those altars to provide a

The commissioners, judging from the York commission, went entirely on the *regale*, and derived all their authority from the crown.[38] Their powers were very great indeed. They were able

"to visit all cathedrals, collegiate and parochial churches, and all degrees of the clergy, the bishops not excepted, . . . to examine them on the articles of their belief, . . . to proceed against them by imprisonment and ecclesiastical censures, . . . to deliver new injunctions, to declare spiritual promotions void, to allow competent pensions to those who quit their livings, to examine letters of orders, to give institution and induction, to convene synods and receive synodals, and to excommunicate those who refused to pay;"

in fine, says Collier, their commission took in

"the whole compass of ecclesiastical jurisdiction, and reaches to every part of the episcopal function, excepting ordination, consecrating of churches, and officiating in divine service."[39]

18. As a result of the visitation, only eighty incumbents refused to conform and take the oaths of allegiance and

decent table in the church for the celebration of the Lord's Supper." They also forbad the use "aliquibus coronis rasis, amisiis aut vestibus, vocat. le coopes," under penalty, and pulled down the roods and images of Mary and John and other saints, the high altars and churchyard crosses, both at St. Paul's and the other churches, burning or destroying them, with other monuments and books of superstition and idolatry, in accordance with the queen's injunctions then delivered by them to the clergy. Nonconformists were pronounced contumacious, and at once deprived by sentence definitive; whilst those who conformed had to subscribe to the supremacy, the book of common prayer, and the queen's injunctions. The vestment or cope forbidden was probably the canon's or black choral cope with a hood. See also Heylyn, Eliz. pp. 117, 118.

[38] Collier, VI. pp. 252, 253. The York commission ran: "Nos igitur regalis et absolutae potestatis nostrae vobis in hoc regno nostro commissae respectu, quoniam utrumque regni nostri statum tam ecclesiasticum, quam laicum visitare, et certas pietatis ac virtutis regulas illis praescribere constituimus." Card. D. A. I. p. 218; Wilk. Conc. IV. 193; St. Pap. Dom. Eliz. V. No. 18. The queen, on August 14th, added a Mr. Estofte and a Mr. Browne to the northern commission for the visitation of the clergy in the northern circuit. St. Pap. Dom. Eliz. VI. No. 12. For book of the visitation of the province of York, and "certificates of recognizances taken for offences," see St. Pap. Dom. Eliz. X. Calend. $15\frac{47}{80}$, p. 149.

[39] Collier, VI. p. 252.

supremacy.[40] And of the great body of the laity we are told that for some ten years

"they did ordinarily resort in all open places to the churches, and to divine services in the church without contradiction or shew of misliking."[41]

An attempt was made by some foreign princes to obtain the allowance of churches "to the papists in all the cities and chief towns of the realm," but the queen objected, for that she did not

"see cause why she should grant it, seeing England embraceth no new or strange doctrine, but the same which Christ hath commanded, the primitive and catholic church hath received, and the ancient fathers have with one voice and mind approved."[42]

19. Speaking of the number who conformed in the reigns of Henry VIII. and Edward VI., Dodd says,

"It cannot be denied that there was a surprising complaisance and tameness among the ecclesiastics under those two princes, but as they

[40] Sanders gives the names of all of them. There were, out of the 9285 parishes and 9408 churches, eighty priests, forty-six canons, thirteen archdeacons, twelve deans, and fourteen bishops deprived, or 165 in all. He also says nine religious and fifteen members of the two universities refused to conform, and that there were six Irish and four Scotch bishops, with twelve Irish and eight Scotch priests, deprived. But in his History he adds that some 300 members of both universities left and went abroad, mostly to Belgium. De Visib. Monarch. pp. 664—674; De Orig. pp. 335, 336. Dodd also gives a list, but less complete than Sanders. Camden makes fifty canons, fifteen heads of colleges, twelve archdeacons, and as many deans, six abbots and abbesses, and fourteen bishops, with eighty beneficed priests. Strype makes the number 189 in all, "throughout the whole nation." Dodd, II. pp. 6—8, 318—322; Camd. p. 17; Strype, Ann. I. p. 172. The commissioners were to grant "pensionesque legitimas, congruas et competentes cedentibus vel resignantibus." Card. D. A. I. p. 220; Collier, VI. p. 242; and see Dodd, I. pp. 481—489, 494—499, 507, for account of the ejected bishops. The treatment of the non-conforming clergy contrasts strongly with the severities of Queen Mary's reign. But, as a fact, for the first ten years of Elizabeth's reign no blood was shed on the scaffold, in any quarrel, civil or religious. Knight, Hist. Eng. III. p. 165, and see a remarkable state paper by the queen in 1569. St. Pap. (Burl.), p. 589; see also Panz. Mem. Introd. pp. 11—13; Strype, Ann. I. pp. 275—279; Important Considerations, p. 54.

[41] Collier, VI. p. 255; Panz. Mem. Introd. p. 17.

[42] Camd. p. 21, ed. 1635, but p. 28 of the Latin ed. of 1625; Strype, Ann. I. p. 148; Collier, VI. p. 254; L.R. 2 A. & E. p. 153.

were under a continual restraint and the conveniences of life were an overbalance to futurity, it was rather *a corruption in morals* than an error in faith that occasioned their defection, . . . the inferior clergy for the most part were Vicars of Bray, conforming more for bread than out of principle;"

and of those who remained under Elizabeth, he affirms:

"many who were cordially affected to the interest of the Church of Rome dispensed with themselves as to outward conformity; and it was strongly believed that the greatest part complied against their consciences, and would have been ready for another turn, if the queen had died while that race of incumbents lived."[43]

And Lingard takes very much the same views.[44] Conduct so prudent and politic could scarcely fail to obtain approval and all needful sanction and dispensation from the "centre of catholic unity." It helped "to keep the protestants out of the churches, and put themselves in a condition to support their abdicated friends." Unfortunately for the conscientious design, the queen lived long enough to defeat it.

20. A set of injunctions and a book of articles were prepared for the commissioners' use, probably in April, by the same committee that revised the service book, and were then gone over and settled by Cecil.[45] In the part of the injunctions relating to ritual, the queen, according to Archbishop Parker, took "further order," both "for the communion bread and for the placing of the tables within the quire"; and he adds, "I say and hold that the injunction hath authority by virtue of the proviso in the statute."[46] The order as to tables

[43] II. pp. 7, 8, quoting Heylyn and Echard with approval. Dodd, in fact, relies on Collier, Echard, Camden, Stow, Fox, Heylyn, Wood, Fuller, Dugdale, Goodwin, Tanner, and Lord Herbert for the materials of much of his history.

[44] "Among the lower orders of the clergy, many thought proper to conform, some through partiality for the new doctrines, some through the dread of poverty, and some under the persuasion that the present would soon be followed by another religious revolution." VI. p. 10.

[45] For the injunctions and articles, see Card. D. A. I. pp. 178—217; Wilk. Conc. IV. pp. 182—191; Sparrow, pp. 65—86. The injunctions were in use by the commissioners in June, and would therefore be prepared and printed earlier. Strype, Ann. I. pp. 159, 163—165; Burnet, II. pp. 295—299.

[46] Parker, Correspondence, pp. 375, 376. Mr. Maskell seems to have been

found at the end of the injunctions was, it seems, added in consequence of an address to the queen, urging the removal of all altars, the queen being inclined to let them remain.[47]

The injunctions were fifty-three in number. They were issued by the queen "by the advice of her most honourable council," consolidating and reviving such of the injunctions of King Edward's reign as was deemed needful or fitting, and adding others as seemed desirable, those that were no longer suitable being omitted. They provided and directed that

1. All the clergy should observe and keep the laws restoring the ancient jurisdiction of the crown "over the state ecclesiastical," and all having cures should four times in every year in their sermons or collations maintain the supremacy, and

2. Forbad the setting forth of images, relics or miracles.

3. The clergy, having cures, to preach once a month the word of God, and to point out that the setting up of candles, praying on beads, going on pilgrimages, and such like human inventions were most detestable and abhorred of God. 4. All parsons, licensed thereto, to preach in their cures once in every quarter of the year, or else to

of the same opinion, for he says, "Elizabeth, in her injunctions, which were supplemental to *her* act of uniformity, and were grounded on a special clause in that act," &c. Anc. Lit. p. xiv. Archbishop Parker, too, insists upon it that, but for the proviso in the act of uniformity, the queen "would not have agreed to divers orders of the book." But the power to take "further order," or, to speak exactly, to "ordain or publish further ceremonies or rites," was limited to ritual and ceremonial (just as the power for other order to be taken was confined to the ornaments of the church and minister that were used in divine service), and was also conditional both on there being "contempt or irreverence used in the ceremonies or rites of the church by the misusing the orders appointed in the book," and also "on the advice and assent of the ecclesiastical commissioners or the metropolitan" being given. Now, as no misuse of the orders of the book just come into use had, or could possibly have, taken place, and no metropolitan or ecclesiastical commission was in existence when the injunctions were issued, no "further order" could by any possibility have been taken in or by them, under the power contained in the proviso of the act; so far, therefore, as they profess to vary and not merely to carry out, or supplement, the directions of the book, they are *ultra vires* and void; for, however great the powers of the supremacy may be, they cannot set aside or control the provisions of an act of parliament.

[47] Strype, Ann. I. pp. 160—163; Burnet, II. pp. 295—297; Collier, VI. pp. 247—249. The queen appears to have retained an altar, with a cross upon it and two lights, up to probably 1564. Strype, Ann. I. pp. 175, 176; Parker, pp. 46, 96.

read a prescribed homily every Sunday.[48] 5. On holy days, when there was no sermon, the Lord's Prayer, Creed, and Commandments, in English, were to be taught the people.

6. The Bible in English to be provided within three months, and set up, with the paraphrase of Erasmus on the Gospels, in a convenient place for common use; the one to be at the cost of the parish, and the other at that of the parson and parish jointly.

7. Parsons were not to resort to taverns, nor to idle by day and play cards or dice by night, but to be examples to the flock. 8. No one to preach in any cure except licensed, but licensed preachers to be gladly received. 9. Persons rejecting or disobeying the injunctions, or maintaining any foreign power, to be presented to the queen or her council, or the ordinary, or nearest justice of the peace.

10. Register books to be obtained and kept in a chest.

11. Provision for the poor to be made out of the goods of the church. 12, 13. Provision made for maintenance of scholars by beneficed men, and for reparation of churches and buildings. 14. The injunctions to be read openly every quarter. 15. Tithes to be paid as usual. 16, 17. All parsons, under the degree of M.A., to have a Latin and English Testament, and all bishops and ordinaries, in their synods and visitations, to examine them therein; and comfortable places of scripture to be always at hand for penitent persons.

18. All processions at any time about the church, churchyard, or any other place, and all ringing and knolling of bells, except the one before the sermon, forbidden. Before the communion the clergy and choir to kneel in the midst of the church, and say the Litany in English, adding nothing thereto, and no going in and out of church to be permitted in service time.

19. Gives directions as to perambulations. 20. Holy days to be kept, but in time of harvest the people to be taught to labour "upon holy and festival days," to "save that thing which God hath sent." 21. Persons at enmity not to be allowed communion.

[48] This injunction was new, and put in the stead of the one requiring the removal of abused images, and allowing the two lights before the sacrament. Mr. Perry looks upon the *omission* of the Edwardian injunction as a "most convincing proof that the two lights upon the high altar, before the sacrament," were meant "to remain still"! Lawful Ch. Orn. p. 164, n. K. But it has to be proved that the Edwardian injunctions were in force in 1559, and the 1 Eliz. c. 11. § 14 (Rev. ed.) is fatal to Mr. Perry's theory. Ante, p. 5.

22. None to break or violate any church ceremony "commanded by public authority."

23. All shrines and their coverings, tables,[49] candlesticks,[50] trindals, and rolls of wax,[51] pictures, paintings, and all other monuments of feigned miracles, pilgrimages, idolatry, and superstition, whether on walls or in windows, to be destroyed.[52]

24. A comely and honest pulpit to be set up by the churchwardens, at the cost of the parish, in a convenient place in every church, and to be there seemly kept for the preaching of God's word.[53]

[49] *Tabula*, inter vasa ecclesiastica, sanctorum reliquiis saepius ornata. Du Cange, s.v. The injunction applies to "*all* tables," re-tables, and frontals. Speaking of the "altaris cornua et utramque frontem auro et argento" of Moses, Georgius says, "Tabulae dicuntur apud ecclesiasticos scriptores haec ornamenta." The "tables" were, in fact, the frontals of altars and of shrines. The "golden frontal" of Milan represents events in the life of Ambrose. See Georgius, I. pp. cxx.—cxxiv.; Dr. Rock's Essay, in Essays on Religion (edited by Dr. Manning), pp. 73—75, ed. 1865; Zaccaria, Onomast. s.v.; Origines et Raison de la Liturg. Cath. s.v. "Tableaux Eglise."

[50] The "shrines" of "saints," whether the structure covering their grave or the portable reliquary placed on or above the altar, were to be removed, with the attendant candlesticks and lights.

[51] "Trindals" were long thin wax candles or tapers, wound round a staff and unwound as used.

[52] The 3 & 4 Edw. VI. c. 10, for abolishing divers books and images, had been repealed by the 1 Mar. sess. ii. c. 2, but this act was repealed by the 1 Eliz. c. 2, so far as it concerned the second book of Edward VI. and the service, administration of the sacraments, rites, or ceremonies therein contained or appointed, so that the superstitious use of images and pictures in churches and chapels became again unlawful, and if there were any doubt, the entire repeal of the 1 Mar. sess. ii. c. 2 by 1 Jac. 1, c. 25, § 48, sets the matter now at rest. See also Vis. Art. (Queen Elizabeth), Art. 3, 9; Card. D. A. I. pp. 210, 211; 3 Jac. I. c. 5, § 26; Burnet, II. p. 296.

[53] The Edwardian injunctions mentioned "the pulpit," and so the service for Ash-Wednesday in the first book and the Commination Service in the second book. In our present book we find the "reading pew or pulpit" spoken of. Cyprian speaks of "the pulpit" as the place were the gospel was read, "Evangelium Christi legere unde martyres fiunt, ad pulpitum post catastam venire." Ep. ad cler. et plebem (de Aurelio et Celerino), pp. 77, 81, ed. 1593; pp. 61, 126, ed. 1521. It served as reading desk and pulpit, and the statement of Bona, "solebant antiquitus tum epistolae quam evangelium legi in ambone seu pulpito, ex quo etiam episcopus conciones habebat," though doubted by some, is proved to be correct by the instances given in Georgius of its use for preaching. Of Leo IX., on the occasion of the dedication of a church, we are told, "Lecto Evangelio, pulpitum conscendens, exhortationis sermonem fecit." We meet with "the pulpit" in the

25. An alms' chest should be set up in each church, for the relief of the poor or, in default, for the repairs of the highways. All monies arising from guilds, fraternities and church stocks, rents of church lands, gifts for obits, dirges, finding torches, lights, tapers, and lamps, to go to the same use, with power to bestow part for church reparation.

26. None to obtain benefices by simony. 27. Owing to the lack of preachers, one or more of the homilies, set forth by the queen's authority, to be read by every parson in church on Sunday.[54] 28, 29. That the clergy, albeit there were some of "small learning," be treated charitably, and not to marry without the advice and allowance of the bishop, and two justices of the peace living near the woman's dwelling place, and the consent of her parents, kinsfolk, or mistress.

30. That the clergy may be everywhere known to the people, both in church and out of it, and so had in honour; all of every degree, to wear "such seemly habits, garments, and such square caps as were most commonly received in the latter year of the reign of King Edward the Sixth."[55]

31, 32, 33. None to defend or maintain false doctrine, "contrary to the faith of Christ and his Holy Spirit," nor use charms, enchantments, and the such like, nor go to other than their parish church, except on occasion of an extraordinary sermon. 34. Inns and

early missals and pontificals, the Sarum use directing the epistle and gospel to be read "in pulpitum," whilst making mention of a "lectrinum," which "was probably used for the lections at the canonical hours." Bona, Rer. Lit. II. c. VI. § 3, p. 645; Georgius, II. pp. 167—169; Maskell, Anc. Lit. pp. 34, 38, 42, 46; Miss. Rom. Feria sext. in Parasceve (Good Friday), "super nudum pulpitum," fo. 79, a. ed. Rome, 1494; fo. 86, a. ed. Nuremb. 1484; fo. 72, a. ed. Venice, 1501, and so in the present edition. For the figure of a lectern, see Pontif. Rom. fo. 184, l. Venice, 1561; see also Walafrid Strabo, de Reb. Eccl. col. 656; Gemma animae, col. 1217, ed. Hittorp, and Can. 83, on the subject.

[54] Ministers and preachers were distinct characters; few that had cures could preach, and "a beneficed man not allowed to be a preacher" had to find a duly licensed one to preach every month for him (Can. 46). In Cornwall in 1606, there was not, it is said, a single beneficed clergyman capable of preaching a sermon. Before the Reformation, sermons were the exception and not the rule, the work being done by the preaching friars or Dominicans. See Const. of Peckham and Arundel, Johns. Collect, 1281, 1311, 1408, 1411; Soc. Hist. pp. 213—230.

[55] This injunction applies to the ordinary apparel of all ministers when not officiating.

alehouses to be closed during time of common prayer, preaching, or reading of the homilies.

35. No one to keep in his house "any abused images, tables, pictures, paintings, and other monuments of feigned miracles, pilgrimages, idolatry, and superstition."

36. Preachers and ministers not to be disturbed or jested at, nor discouraged to sing or say the service set forth. 37, 38. None to talk or reason of the scriptures rashly, or be otherwise busied in time of service, but to quietly hear, mark, and understand what is read, preached, and ministered. 39—42 relate to schoolmasters and teachers. 43. Children and unlearned persons not to be ordained. 44. Every parson to hear and instruct the youth of his parish for half an hour before evening prayer in the Commandments, the Lord's Prayer, the Creed, and Catechism. 45. Ordinaries to shew to the queen's visitors why any suffered for religion. 46. Three or four discreet persons to be appointed in each parish to see that all went to church, and to report the negligent to the ordinary.

47. Churchwardens to deliver to the visitors "inventories of vestments, copes, and other ornaments, plate, books, and specially of grails, couchers, legends and processionals, manuals, hymnals, portasses, and such like appertaining to the church."

48. The Litany and prayers to be said on Wednesday and Friday evenings, not being holidays. 49. In such collegiate and parish churches as had endowed choirs, no alteration to be made: "The queen's majesty, neither meaning in anywise the decay of anything that might conveniently tend to the use and continuance of the said science, neither to have the same in any part so abused in the church that thereby the common prayer should be the worse understanded of the hearers, willeth and commandeth . . . that there be a modest and distinct song so used in all parts of the common prayers in the church, that the same may be as plainly understanded as if it were read without singing; and yet, nevertheless, for the comforting of such that delight in music, it may be permitted, that in the beginning or in the end of the common prayers, either at morning or evening, there may be sung an hymn or such like song to the praise of Almighty God, in the best sort of melody and music that may be conveniently devised, having respect that the sentence of hymn may be understanded and perceived." 50. Peace and charity to be maintained between and towards all who differ, and "convicious" or reproachful words not to be used. 51. No one to print any manner

of book without the written license of the queen or six of the privy council, or of the two archbishops, the bishop of London, the chancellor of the universities, the ordinary, and archdeacon, or any two or them, the ordinary to be one.

52. Due reverence, with lowness of courtesy and uncovering of heads, to be made at the name of Jesus.

53. "All ministers and readers of public prayers, chapters, and homilies" to "read leisurely, plainly, and distinctly."

Then followed "an admonition" on the oath of allegiance, pointing out that the queen did not "challenge authority and power of ministry of divine service in the church," and that

"Her majesty neither doth, nor ever will, challenge any authority than that was challenged, and lately used, by the kings of famous memory, King Henry the Eighth and King Edward the Sixth, which is, and was of ancient time, due to the imperial crown of this realm; that is, under God, to have the sovereignty and rule over all manner of persons born within these her realms, dominions, and countries, of what estate, either ecclesiastical or temporal, so ever they be, so that no other foreign power shall, or ought to have, any superiority over them."

After this came the order "For tables in the Church," as follows:

"Whereas her majesty understandeth, that in many and sundry parts of the realm the altars of the churches be removed, and tables placed for the administration of the holy sacrament, according to the form of the law therefore provided; and, in some other places, the altars be not yet removed, upon opinion conceived of some other order therein to be taken by her majesty's visitors; in the order whereof, saving for an uniformity, there seemeth no matter of great moment, so that the sacrament be duly and reverently administered; yet for observation of one uniformity through the whole realm, and for the better imitation of the law in that behalf, it is ordered that no altar be taken down but by oversight of the curate of the church and the churchwardens, or one of them at the least, wherein no riotous or disordered manner be used. And that the holy table in every church be decently made, and set in the place where the altar stood, and there commonly covered, as thereto belongeth, and as shall be appointed by the visitors, and so to stand, saving when

the communion of the sacraments is to be distributed; at which time the same shall be so placed in good sort within the chancel, as whereby the minister may be more conveniently heard of the communicants in his prayer and ministration, and the communicants also more conveniently, and in more number communicate with the said minister; and after the communion done, from time to time the same holy table to be placed where it stood before.[56]

Item, where also it was in the time of King Edward the Sixth, used to have the sacramental bread of common fine bread; it is ordered for the more reverence to be given to these holy mysteries, being the sacraments of the body and blood of our Saviour, Jesus Christ, that the said sacramental bread be made and formed plain, without any figure thereupon, of the same fineness and fashion round, though somewhat bigger in compass and thickness, as the usual bread and water, heretofore named singing cakes, which served for the use of the private mass."[57]

[56] Altars were illegal under the restored liturgy; a table, with, at the communion time, a fair white linen cloth upon it, being the only lawful use. No direction was, however, given as to where the table was to stand out of communion time; this omission the injunction supplied, directing it to be then covered and placed where the altar stood, as the queen's visitors should direct. The rubrical position at communion was "in the body of the church or in the chancel," wherever the prayers were said. The queen's injunction speaks of the chancel only, probably from the fact that prayers were then usually said there, and directs it to be placed within the chancel for the greater convenience of the communicants, and after communion to be moved back again. If, however, prayers were said in the body of the church, the table would have to be moved there, for the injunction could not and cannot override or repeal the plain terms of the rubric as it was, and is in Queen Elizabeth's or our present book. Communicating with the table against the wall is now held to be within, and a compliance with, the rubrical directions, prescribing that the table "shall stand in the body of the church or in the chancel." In case of dispute, the exact position therein would be for the ordinary to decide. The direction how to remove the altars was a proper and necessary one, as was that for the "holy table in *every* church" to "be decently made."

[57] The rubric directed the use *not* of "wafer bread," but "*bread* and wine," and the bread the best and purest wheat bread, or, in default, the bread usually eaten would suffice. The variation in the injunction, and the attempted substitution of wafer bread, was *ultra vires* and of no effect. The "advertisements" afterwards directed the reception "in such form as is already prescribed in the book of common prayer." Canon 20 (1603) orders "fine wheat bread" only; but the difficulty of procuring this was, very likely, the cause why, in the rubric of 1662, the use of the bread usually eaten, or "household bread," was permitted. "Singing cakes" or "bread" are said to be the "obleys," or large breads used at

The injunctions concluded with a form of bidding prayers,[58]

private mass, as distinct from the small or "houseling breads," the "wafers" or "particles," used at the communion of the people. "Singing bread" is noted as part of a shopkeeper's stock in 1519, and we read that it was given by the sacristan to those who helped at mass, as well as by the "mass sayer" to men servants present. Rock, Ch. of our Fathers, I. p. 157; Peacock, Ch. Furn. p. 200; Queen Eliz. and her Times, II. p. 39; see ante, p. 121, n. 127.

[58] The form here given is the one followed and adopted in the 55th canon, and therein directed to be used before all sermons, lectures, and homilies. It differs from the one set forth by Edward VI. in 1547, in directing "praise" (instead of "prayer"), for the faithful departed, and in other matters. The first service book of Edward VI. retained the practice of praying for the dead, but in the second book the prayer was entirely omitted, and the words "militant here on earth" added to the prefix, to make it plain to all that the church not only did not use or sanction prayer for the dead, but very carefully excluded it; and a revised form of bidding prayer was used, in which "praise" was substituted for "prayer." The practice is expressly condemned by the "Homily of Prayer." See Burnet, II. p. 297, App. 81; Wilk. Conc. III. pp. 783, 808, for forms of bidding prayer used in 1509, 1534, and 1536, and Card. D. A. I. pp. 21, 22; Wilk. Conc. IV. p. 8, for the form used in 1549; Hearne's Glossary, Apud Rob. of Gloster, Chron. p. 624, for the revised form, and Card. D. A. I. p. 202; Wilk. Conc. IV. p. 188, for the Elizabethan. See also Card. Two Liturg. p. xxxiv.; Maskell, Mon. Rit. II. pp. 75, 76, 77, 174. The real nature and meaning of the so called "prayers for the dead" of christian antiquity may be gathered from the fact that we find in the Liturgy of Chrysostom, not only prophets, apostles, evangelists, martyrs, and confessors generally commemorated, but the Virgin Mary herself included by name; and so in that of Basil, of Gregory, of Cyril, and others. Renaudot, II. pp. 248, 209, 280; I. pp. 17, 33, 41, 70, 103, 135; Goar, pp. 78, 170. The day of death was, in fact, anciently commemorated by thanksgiving as the true birthday of friends departed. Tertull. De Corona, cap. III. p. 102, A. Par. 1675. Jerome says of the faithful dead that, so far from being alone and solitary, they have company with Mary, our Lord's mother, Anna, the prophetess, and angels, and that they follow Christ. Ep. ad Paulam, I. fo. 72, D. fo. 71, A. In the Sarum canon it is "memento etiam Domine animarum, famulorum famularumque tuarum qui nos praecesserunt cum signo fidei, *et dormiunt in somno pacis.*" Maskell, Anc. Lit. p. 100. Upon diptychs, see Mabillon, De Lit. Gal. pp. 181—183; Praef. in Acta, ss. p. 437, ed. 1724; Georgius, I. p. cxxvi.; III. pp. 40—60, 82—99; Benedict XIV., De Sacro. Missae Sac. II. c. 17, tom. VIII. p. 106; Zaccaria, Macro. Du Cange, s.v.; Grancolas, Anc. Lit. I. pp. 610—628, 661; Selvagio, de Ant. II. pp. 173—85; De Vert, I. p. 114; Le Brun, II. p. 222; IV. p. 340; Martene, De Ant. Eccl. Rit. I. pp. 145—147, 169, 173; Rock, Hierur. pp. 689—703, who points out that the diptych is the parent of the modern altar-piece, which dates from the fifteenth century. "Bidding the beads" was the praying for the departed from the pulpit, "bede" meaning prayer, and the "bede-roll" was the list of names then read out. The "praying upon beads" was forbidden by the third Elizabethan injunction. See ante, p. 181, n. 7.

and a strait charge to all the clergy, and every one, to keep the orders prescribed, "upon pain of deprivation, sequestration, suspension, excommunication, and such other correction" as to the ordinaries, charged with seeing to the execution of the injunctions, may seem convenient.

Those that relate to church ornaments, ritual and ceremonial, are the 2, 3—6, 10, 18, 22—25, 30, 47—49, 52, 53, with the directions as to tables and wafer bread.

The archbishop and bishops afterwards drew up "interpretations and further considerations" for the direction of the clergy, in the observance both of "the book of service" as well as the injunctions.[59]

21. On July 19th, the queen appointed a mixed commission for divers purposes, not only ecclesiastical but civil. Fifteen commissioners out of the nineteen were laymen. The object of the commission was to punish offences against, and enforce, the acts of supremacy and uniformity, as well as other offences "against *any* of the laws or statutes" of the realm. It is said to be "the first warrant issued for the establishment of a general and permanent court of high commission in causes ecclesiastical," but the text and tenor of the commission hardly supports this view. The commissioners were

§ 3. "From time to time during pleasure to enquire as well by the oaths of twelve good and lawful men, as by witnesses and other ways and means.....for all offences, misdoers, and misdemeanours, done and committed, and hereafter to be committed or done contrary to the tenor of the said several acts and statutes, and either of them; and also of all and singular *heretical opinions*, seditious books, contempts, conspiracies, false rumours, tales, seditious misbehaviours, slanderous words or shewings, published, invented, or set forth by any person or persons, against us, or contrary, or against *any* of the laws or statutes of this our realm, or against the quiet govern-

[59] Card. D. A. I. pp. 204—209, n.; Strype, Ann. I. pp. 213—217. These prescribed "but one apparel; as the cope in the administration of the Lord's Supper, and the surplice in all other ministrations, and . . . . the common bread. The table to be removed out of the choir into the body of the church, before the chancel door; where either the choir seemeth to be too little, or at great feasts of rejoicings." Card. D. A. I. p. 205.

ment and rule of our people and subjects, in any county, city, borough, or other place or places within this our realm of England, and of all and every the coadjutors, counsellors, comforters, procurers, and abettors of every such offender."

§ 4 gave power to enquire, hear, and determine all "enormities, disturbances, and misbehaviour done and committed in any church or chapel, or against any divine service, or the minister or ministers of the same, contrary to the law and statutes of this realm"; and to enquire for, correct, and punish absentees from church.

§ 5 empowered the commissioners "to visit, reform, redress, order, correct, and amend, in all places within this our realm of England, all such errors, heresies, crimes, abuses, offences, contempts, and enormities, spiritual and ecclesiastical wheresoever, which, by any spiritual or ecclesiastical power, authority, or jurisdiction, can or may lawfully be reformed, ordered, redressed, corrected, restrained, or amended.....according to the authority and power limited, given and appointed by any laws or statutes of this realm."

§ 6 authorised them to enquire and search out for "men quarrellers, vagrants, and suspected persons," and of all affrays and assaults done and committed in and within ten miles of London.

§ 7. And to restore and reinstate any who were deprived or defrauded in the late reign for causes in respect of religion or for being married.

§ 8. And also to hear and determine all other notorious and manifest avowtries,.....and ecclesiastical crimes and offences, with

§ 9. Full power to award to every offender punishment by fine, imprisonment, or otherwise.

Other sections gave power to commit for contempt, take recognisances, and obtain the aid of all justices and officers of the peace.[60]

22. On September 13th, the queen issued a commission to the lord treasurer and three other laymen, to act in the matter of tithes of vacant sees.[61]

[60] Card. I. p. 223, who disposes of Lingard's criticisms (Hist. VI. p. 122), comparing the commission with the inquisition. See St. Pap. Dom. Eliz. v. No. 18.

[61] Wilk. Conc. IV. p. 198; Card. D. A. I. p. 240; 1 Eliz. c. 19, § 2. The bill was passed in spite of the opposition of the bishops. Collier, VI. pp. 221, 256; Heylyn, Queen Eliz. p. 121; St. Pap. Dom. Eliz. VI. No. 42.

On December 16th, the queen's visitors for the diocese of Exeter wrote to the dean and chapter there, requiring them to observe their orders for the saying of morning prayers in the choir daily and publicly, with a psalm to be sung by the congregation altogether with one voice, according to the use and manner of the primitive church.[62]

On December 17th, Parker was consecrated archbishop of Canterbury by Barlow, Scory, Coverdale, and Hodgkin, the suffragan of Bedford, but "no sandals, gloves, ring, staff, oil, pall, etc., were used upon him, yet there was ceremony enough to clothe his consecration with decency, though not to clog it with superstition." The *congé d'elire* was issued on July 18th, and on August 1st Parker was elected by the dean and four, out of the eleven, other members of the chapter. The election being duly registered, and the consent of the archbishop-elect formally given, the dean and chapter certified the crown thereof. Upon this certificate the queen commissioned six bishops to proceed to the confirmation and consecration, but this, from some cause or other, being set aside, other letters patent were issued, on December 6th, to the four bishops above named, with Kitchin and Bale, the bishop of Ossory, but neither of these last were able to attend. A clause, providing against defects and informalities, was inserted in these and all other letters patent for the consecration of bishops during the next seven years. Bonner afterwards objecting, on the tender of the oath of allegiance, that the consecration was void, parliament, by the 8 Eliz. c. 1, declared the making and consecration of the archbishop and bishops to be "good, lawful, and perfect," convocation not being consulted in the matter.[63]

[62] Wilk. Conc. IV. pp. 200, 201, where the archbishop's mandate of December 23rd, to the same effect, is also given; and see also the correspondence on the resistance to the royal appointment of a new dean. Id. p. 202.

[63] Fuller, Book IX. p. 61; Strype, Parker, pp. 52, 54; Card. D. A. I. p. 242; Wilk. Conc. IV. p. 198; Heylyn, Queen Eliz. p. 121; Collier, VI. p. 291; Burnet, pp. 298—301. Strype says he was consecrated without "any old idle ceremony of Aaronical garments; nor with gloves, nor rings, nor with sandals nor slippers, nor mitre, nor pall, but more chastely and religiously, according to the

23. These events appear to have stirred up Heath and the other deprived bishops, not to a civil remonstrance, but to a hearty curse, conveyed, as it would seem, "in a terrifying letter" to the new primate. The letter was laid before the queen and council, and on March 20th following a courteous reply was sent.[64] The churches, too, were purged "of images and relics," and this was another grief, for we are told that[65]

"the papists weep to see our churches so bare, saying they were like barns; and that there was nothing in them to make courtesy unto, neither saints nor yet their little old God (meaning the Pix hanging over the altar),.....but where the gospel is preached, they, knowing that God is not pleased but with a pure heart, are content with an

purity of the gospel"; and he gives Parker's grave meditation upon his consecration, shewing what "small joy he took in his honour, and how sensible he was of the mighty burden of his place." Parker, p. 57. The "ordo" is to be found in Card. D. A. I. pp. 243—247, and Burnet, II. Rec. P. II. p. 277. The 25 Hen. VIII. c. 20, § 5 required the consecration to be performed by "four bishops." The difficulty was met by the "supplentes" clause in the royal letters patent. See Lingard, VI. pp. 9, 326; Dodd, II. pp. 269—290; Tierney, II. p. 139; and as to Bonner's objections, Strype, Ann. I. pp. 249, 378—382, 528; Parker, pp. 58—65; Grindal, p. 102, App. 17; Burnet, II. pp. 300, 301. The consecration was delayed, because the exchange between the crown and the bishops was not perfected. St. Pap. Dom. Eliz. VII. No. 19.

On December 21st, Grindal, Cox, Sandys, and Meyrick were consecrated at Lambeth, Barlow and Scory being confirmed as bishops of Chichester and Hereford the day before. On January 21st, Young, Bolingham, Jewel, Davies, and Guest were consecrated. On March 2nd, Pilkington and Best were consecrated for Durham and Carlisle. On March 24th, Barkley and Bentham for Bath and Wells, and Lichfield and Coventry. Strype, Ann. I. pp. 155—159; Parker, pp. 63—65; Fuller, IX. pp. 63—65. Grindal appears to have had some scruples about "the habits" and some ceremonies and things, and hesitated to accept the office; but his scruples were quieted by Peter Martyr, to whom he wrote. Strype, Grindal, pp. 28—33. But Strype elsewhere says, "The first bishops that were made, as Cox, Grindal, Horne, Sandys, Jewel, Parkhurst, Bentham, upon their first return, before they entered upon their ministry, laboured all they could against receiving into the church the papistical habits, and that all the ceremonies should be clean laid aside. But they could not obtain it from the queen and parliament; and the habits were enacted." After a conference, they decided to enter on their ministry, the objectionable rites notwithstanding. Ann. I. pp. 173—177; see St. Pap. Dom. Eliz. VI. No. 41; VII. Nos. 56, 67, 68; Wilk. Conc. IV. p. 198.

[64] Strype, Parker, pp. 67—69.

[65] Id. Ann. I. p. 184.

honest place appointed to resort together in, etc., with bare walls or else written with scriptures."

24. A.D. 1560. Sometime after February 20th, the archbishop and the bishops set forth eleven "articles of religion." They were for "uniformity of doctrine," and were to be taught and held of all parsons, vicars, and curates.[66]

Art. 7 ran, "I do grant and confess that the Book of Common Prayer and the administration of the Holy Sacraments, *set forth by the authority of parliament*, is agreeable to the scriptures," etc.

Art. 8 affirmed that, "although in the administration of baptism there is neither exorcism, oil, salt, spittle, or hallowing the water now used, not being of "the substance and necessity of the sacrament," yet it was nevertheless "fully and perfectly administered, to all intents and purposes, agreeable to the institution of our Saviour Christ."[67]

Art. 9 rejected private masses.

Art. 10 affirmed communion in both kinds, considering that, "in the time of the ancient doctors of the church, as Cyprian, Jerome, Augustin, Gelasius, and others, six hundred years after Christ and more, both the parts of the sacrament were ministered to the people."

Art. 11 utterly disallowed "the extolling of images, relics, and feigned miracles, and also all kind of expressing God invisible in the form of an old man, or the Holy Spirit in the form of a dove, and all

[66] Card. D. A. II. pp. 231—235; Strype, Ann. I. pp. 217—221, who also adds six other orders, issued "by common consent of the bishops for this present time, until a synod may be had." One of the six directed baptism to be administered in the font and not in basins.

The fifth, of the eleven articles, was an acknowledgement that "the queen's majesty's prerogative and superiority of government of all estates, and in all causes, as well ecclesiastical as temporal," within the realm, was "agreeable to God's word, and of right to appertain to her highness, in such sort, as is in the late act of parliament expressed and sithence by her majesty's injunctions declared and expounded." See Collier, VI. p. 299. It will be observed that the seventh article sanctioned the Elizabethan prayer book, being subscribed and agreed to by all the clergy; not, however, that this was needed to give it authority.

[67] In the definition of "the church," given in the forty-two articles of 1552, and so in the thirty-nine articles of 1562 (ante, p. 4, n. 9, and p. 123, § 62), the governing principle, accepted and acted upon by all loyal members, confines the administration of the sacraments to things that are *de necessitate sacramenti*. It is well to bear this in mind, as it affects and decides the equity. At the Reformation, rites and ceremonies that were not of the essence of the sacraments were rejected.

other vain worshipping of God, devised by man's fantasies, besides, or contrary to, the scriptures, as wandering on pilgrimages, setting up of candles, praying on beads, and such like superstition," etc.

25. The objection the bishops had to the use of images prompted them, sometime in this year, to again address the queen upon the subject. "The queen had been prevailed with that images and lights and crucifixes should be enjoined to be taken away," but "in her own private closet still retained a crucifix and lights." [68]

On March 1st, a proclamation was set forth by the queen and council, forbidding killing or eating flesh in Lent, and on the 3rd, Grindal preached, in his chimere and rochet, at St. Paul's Cross, before the lord mayor and a great auditory, a psalm being sung by the congregation after the sermon.[69]

On April 6th, the queen, by letters patent, gave permission to the two universities to use the form of public prayer in Latin. To the Latin edition was added a form of commem-

[68] Strype, Ann. I. pp. 221, 175, 176, 199, 200, 341, 507, and App. 59; Parker, pp. 46, 97, 98, 310; Card. D. A. I. p. 235; Collier, VI. pp. 300—304. The royal chapel was not within the act of uniformity, excluding all "ornaments" both of the church and minister, save those of the first book. Burnet's belief that this address was previous to the injunctions is not correct. Ref. Hist. II. pp. 295, 296. Strype speaks of earnest addresses being made to the queen by the bishops, previous to the injunctions, which prevailed to have all images removed out of the churches, though not long after the queen resumed "burning lights and the image of the crucifix again upon the altar in her *oratory*," or "her own private closet," as he elsewhere terms it. Ann. I. p. 175; Parker, p. 46. In the royal chapel it seems to have been a cross and two lights, the table being placed "altarwise." Strype, Ann. I. pp. 175, 176, 199, 200. Sandys, writing to Peter Martyr on April 1st, said that the queen thought it "not contrary to the word of God, nay, rather for the advantage of the church, that the image of Christ crucified, together with Mary and John, should be placed, as heretofore, in some conspicuous part of the church, where they might the more readily be seen by all the people"; but he adds that some of the bishops thought otherwise, the "more especially as *all images of every kind* were at our last visitation not only taken down but also burnt, and that, too, by public authority," so that "only the popish vestments remain in our church (I mean the copes), which, however, we hope will not last very long." Zurich Letters, 1st Ser. No. xxxi. p. 73; Burnet, III. p. 209; Collier, VI. p. 250. The crucifix is said to have been finally broken up by Pack, the queen's fool, set on by Sir F. Knollys. Dodd, II. p. 11; Heylyn, Queen Eliz. pp. 117, 118, 124.

[69] Strype, Ann. I. p. 199; Burnet, III. p. 208.

oration of benefactors and for the celebration of the communion at funerals.[70] A prayer book called the Horarium was also printed and set out by the queen's authority.[71]

26. On May 5th, the pope wrote, inviting the queen to return to the bosom of the church, the terms offered by Perpalia being the confirmation of the English liturgy and the legitimising her mother's marriage.[72] On June 2nd, Jewel made, or repeated, his celebrated challenge in a sermon at St. Paul's Cross.[73] This year, too, the primate inhibited the bishops of his province from visiting, both because of his own intended metropolitan visitation and of the costs the clergy were put to, and he directed a diocesan return of the state of the province.[74] On September 19th, the queen issued a proclamation against defacers of monuments;[75] and

[70] Wilk. Conc. IV. p. 217; Card. D. A. I. p. 249; Collier, VI. p. 299; Strype, Ann. I. pp. 223—225; Sparrow, pp. 201—205. The commemoration prayer substituted the giving of thanks, instead of the usual prayer for the souls of benefactors, praying only that the living might, together with the dead, partake of the glory of the resurrection.

[71] Strype, Ann. I. p. 237.

[72] Card. D. A. I. p. 253; Strype, Ann. I. p. 228; Wilk. Conc. IV. p. 219; Collier, VI. p. 298; Camden, Eliz. p. 34; Dodd, II. pp. 10, 11.

[73] Twenty-seven points were selected and proof of them challenged of "any one sufficient sentence out of any old catholic doctor, or father, or general council, or holy scripture, or any one example in the primitive church," for the first six hundred years. Wilk. Conc. IV. 220; Strype, Ann. I. p. 201; Card. D. A. I. p. 254.

[74] Strype, Parker, p. 71; Ann. I. p. 361; Wilk. Conc. IV. p. 219. The return from Ely shewed that out of 152 cures, there were 34 vacant, 57 non-resident, 13 without rectors or vicars, and but 52 properly served. That from Norwich shewed 767 rectories and vicarages full, and 432 vacant, though perhaps some of these may have been non-resident, and some were certainly served by curates. That this census represented the actual condition of things at the close of Queen Mary's reign is almost certain, for the great scarcity of clergy was then a cause of very serious embarrassment and grave complaint. The ejection of the married clergy would probably account for most of the vacancies, which a short reign had not as yet supplied, and for the small number who refused to conform in 1559. For, if these returns are to be relied on, at least some 3000 benefices must have been vacant. This was no doubt the reason why the plan of filling the gaps with "readers" was decided on. Strype, Ann. I. p. 185; ante, p. 176.

[75] Strype, Ann. I. p. 187; Card. D. A. I. p. 257; Wilk. Conc. IV. p. 221;

on November 20th, we find the archbishop correcting abuses in the arches.[76]

27. A.D. 1561. On January 22nd, a queen's letter,[77] under seal, and addressed to her ecclesiastical commissioners, after reciting the power to take "further order,"[78] reserved by 1 Eliz. c. 2, required them to peruse and amend the order of the lessons throughout the year, to consider and correct the disorders and decays of churches and chancels, and at their discretion to speedily reform the same, and amongst other things

"to order, that the tables of the commandments may be comely set, or

Fuller, IX. p. 66; Collier, VI. p. 322; St. Pap. Dom. Eliz. XIII. Nos. 32, 33. The draft was corrected by Cecil.

[76] Wilk. Conc. IV. p. 222; Parker, Corr. p. 129.

[77] Wilk. Conc. IV. p. 223; Card. D. A. I. p. 260; Strype, Parker, pp. 82—84; Collier, VI. p. 324; Mr. Parker's Letter, p. 10, and Postscript, p. 118; Parker, Corr. p. 132.

[78] Mr. Parker remarks upon the queen's letter, "there can be no question that this document represents a taking 'other' or 'further' order, within the meaning of the act" (Letter, p. 11); "*further* and *other* being for all the purposes of the act considered to be interchangeable," since the letter required "*other* order to be taken in the matter of rites (*i.e.* all the lessons referred to, except one, were to be *changed*); and secondly to require *further* order as to ornaments (*i.e.* the table of commandments were to be added to those already in chancels)." Postscript to Letter, p. 165; see ante, pp. 10, n. 22, 187, n. 18.

But the Act did not require "other order" to be taken in the matter of "rites" at all, but in that of ornaments, and those ornaments only, the use of which by the minister in his lawful and authorised ministrations in the church was *prescribed* by the first prayer book of King Edward VI. and his act of uniformity, and if the table of Commandments then set up *had* been within the act, it would not have been an "ornament," unless it were used by the minister in the service to read from. See Brooke, P.C. Judg. p. 51; Brod. and Free. p. 129. Nor was "further" order to be taken, under the act, except in the one case of the misusing the orders of the prayer book, in the matters of ceremonies and rites. In that case the queen's majesty had power to ordain or publish further ceremonies or rites," but placing the table of the commandments was neither a ceremony nor a rite.

As a matter of fact, so far from all the lessons except one being changed, the proper lessons for Sundays and holy-days remained, with but two or three exceptions, unchanged, a few chapters being "supplied" for second lessons. The daily lessons were also not changed, except in order of arrangement and by a few lessons being supplied and a few struck out. See and compare Liturg. Services, Queen Elizabeth's Tables of Lessons, pp. 41—52, 436—455; St. Pap. Dom. Eliz. XVI. No. 7.

hung up, in the east end of the chancel, to be not only read for edification, but also to give some comely ornament and demonstration that the same is a place of religion and prayer."

They were to provide that whatever they ordered should be "of one sort and fashion," and that the "things prescribed may accord in one form, as nigh they may." They were also to take further order as to the use of the Latin service in collegiate churches to which the laity resorted, and finally the Archbishop of Canterbury was to see the orders published and put in execution in and throughout his province, and the commissioners were to prescribe the same to the newly nominated Archbishop of York; the alterations to be quietly done and without any shew of innovation in the church.

28. The queen's letter was a commission or direction to the commissioners to do certain acts and things, the manner of doing them being left to their discretion, and it corresponds with the letter or commission of January 25th, 1564. But in the one case the authority and power already given was complete and sufficient both for discretion and execution, and the commissioners' orders when made required no further sanction from the queen. In the other they needed the final approval and authority of the crown before they could become law or be enforced.

The archbishop, in pursuance of the queen's mandate, directed the bishops to publish

"the ordinances, corrections, or reformations of the calendar, together with the tables of the commandments, made, conceived, and established by us and other the queen's commissioners, by authority and vigor of the said letters missive, according to the form of the statute aforesaid,"

and to inviolably observe the same according to the prescript of the queen's letters.[79]

[79] Upon the "admonition" prefixed to the second book of homilies, see Lathbury, Conv. pp. 170, 171. In King Edward's liturgies there was no table of proper lessons for Sundays, the chapters being read in succession. The act 1 Eliz. c. 2, § 3 noticed the change.

For the mandate of the archbishop to Grindal, directing him "cum omni qua

29. On April 12th, an episcopal synod met at Lambeth. The articles agreed upon at their former session were confirmed, and ordered to be put in execution. Nine other articles were added, together with a set of injunctions to be confessed and subscribed by all admitted to be readers.[80] These last bound them down not to preach, but only to "read that which is appointed by public authority"; to read the service plainly, distinctly, and audibly; not to minister the sacraments, but to bury, and keep the registers, and not to openly meddle with artificer's occupations when the living was twenty nobles or above. The ordination of mechanics was forbidden.

30. On the 16th, all the altars in Westminster Abbey and in Henry VII.'s chapel were pulled down. On May 5th, a commission was issued to the Archbishop of York, the Lord Rutland, and the Bishops of Durham and Carlisle, with

poteritis, celeritate et matura diligentia, ordinationes, correctiones sui reformationes calendarii simul cum tabulis praeceptorum Dei, per nos et alios regios commissarios auctoritate et vigore dictarum literarum suarum regiarum missivarum juxta formam statuto praedicti fact. concept. et stabilitas, quorum exemplaria in papyro impressa vobis praesentibus annexa transmittimus," see Wilk. Conc. IV. p. 224; Strype, Parker, pp. 83. According to Heylyn, "the Book of Orders" was published in print by the queen's command. Hist. of Queen Eliz. p. 145; Tracts, Ref. Justified, p. 19; Parker, Corr. p. 134.

[80] The See of York was filled on February 20th, 1560, by the translation of Young, bishop of St. David's. Dr. May had been appointed, but died on August 8th, 1559, and before consecration. In the first session, the "interpretations and further considerations" of certain of the queen's injunctions, the "declaration of certain principal articles of religion" (eleven in number) and the "orders and resolutions for uniformity" were drawn up and agreed on. The injunctions for readers were formally confirmed by convocation in 1562, "having been only enjoined before." Strype, Ann. I. pp. 213—221, 345; Parker, pp. 90—92, 97; Card. D. A. I. pp. 203—209, 231—235, 264—270; Collier. VI. p. 335; Wilk. Conc. IV. pp. 224—226; Joyce, Synods, pp. 551—553, who omits to notice the confirmation by convocation of the injunctions concerning readers, and seems to think the bishops had not by themselves, and without the consent of the presbyters or their representatives any legislative power, the presence of the second order of the priesthood being an essential element in such a synod. This may be true as regards diocesan synods, but it would be interesting to see the proof as to the synods of bishops. The synod, or *assessus*, is said, by Strype, to have met by special commission from the queen. Parker, p. 91. See ante, pp. 91, 102, 128, 131.

twelve other persons to take the oaths for York; and another to the same to enquire into and punish all offences against the acts of supremacy and uniformity.[81] On June 24th, the queen authorised the archbishop, after conferring with the bishops, to levy upon and collect from the clergy a sufficient rate for the repair of St. Paul's, which had been burnt down on the 4th.[82] On August 9th, the queen issued injunctions for the better government of cathedrals.[83] On October 1st, the archbishop sent out an order for a return of all resident and non-resident clergy within his province; where the absentees were; how many were priests and deacons; how many married; how many able to preach; and how many kept hospitality.[84] On the 30th came a royal proclamation "for the reverend usage of all churches and churchyards."[85] On November 12th, a diocesan synod was held by the Bishop of St. Asaph in the cathedral, in which certain orders were enjoined upon the clergy.[86] They were required, amongst other things,

to remove and put away every monument, sign, and token of all and every feigned relics in their churches, "to abolish their altars" within eight days, to wear decent and comely apparel, to wit, a short gown

[81] Strype, Ann. I. p. 267; St. Pap. Dom. Eliz. (Add.), XI. No. 10.

[82] Id. p. 261; Parker, pp. 92, 93; Wilk. Conc. IV. p. 226; Card. D. A. I. p. 270; Heylyn, Queen Eliz. p. 141; Parker, Corr. pp. 142, 152.

[83] The queen objected to the "households, with their wives, children, and nurses, taking up the room of the palaces and houses of the cathedral churches and colleges of the realm." Card. D. A. I. p. 273; Wilk. Conc. IV. p. 226; Strype, Parker, pp. 106—109; St. Pap. Dom. Eliz. XIX. No. 10; Parker, Corr. pp. 146, 156.

[84] Strype, Parker, pp. 94, 95; Card. D. A. I. p. 275; Wilk. Conc. IV. p. 227. Upon the London return, Strype remarks that the ministers were generally married men; that they had many curates; that none of these were graduates, nor many of the vicars; that not above one-third could preach; few were learned, whilst some held from two to five livings apiece. The pluralists would of course reduce the roll of beneficed clergy, and render the scarcity more difficult to meet; and these evils would be Marian rather than Elizabethan; Parker, Corr. p. 153.

[85] Card. D. A. I. p. 276; Wilk. Conc. IV. p. 227; Strype, Grindal, p. 57. St. Paul's churchyard was chiefly aimed at.

[86] They were the bishop's orders; "convocato coram eo clero decanatus de Rose, statuit, ordinavit, et injunxit eis has ordinationes...in suis respective ecclesiis observandis." Wilk. Conc. IV. p. 228.

and a hat for riding, but a long gown with tippet and square cap when before the ordinary.

31. A.D. 1562. On New Year's Day, Nowell, the dean of St. Paul's, having gotten several fine cuts and pretty pictures representing the stories and passions of the saints and martyrs, had put them in a richly bound prayer book placed, as a present, on the queen's cushion, thinking she would be pleased therewith; but on her majesty

coming to her place, she opened her book and perused it, and saw the pictures, and then sent for the old one. After service was over, she "went straight to the vestry, and applying herself to the dean," asked how he came to have a new service book placed on her cushion, knowing "her aversion to idolatry, and to images and pictures" of the kind; the idolatry consisting in the "cuts resembling angels and saints, nay, grosser absurdities, pictures resembling the blessed Trinity." The queen asked if the dean had forgot her proclamation against images, pictures, and Romish relics in the churches; and finally hoped no more such mistakes would be committed in churches for the future.[87]

On February 12th, the queen's writ to the primate required an account of all the hospitals and schools within his diocese, which was rendered.[88] Sometime in this (or the previous) year, complaint was made, of the Bishop of Chester, to the privy council, who, "as a matter of favour, committed the examination of his case to the primate, who deferred its consideration until parliament and convocation met.[89]

32. Sometime in the previous year, the archbishop began his metropolitan visitation, which lasted three years. It seems to have commenced with his own church of Canterbury, the visitors being two laymen and a clerk.[90] One set of articles was provided for all the dioceses.[91] All were visited by com-

[87] Strype, Ann. I. p. 273; Parker, p. 97.

[88] Wilk. Conc. IV. pp. 229—232. The archbishop had, it would seem, already begun a visitation of the hospitals. Strype, Parker, pp. 101—104, 113.

[89] Strype, Parker, p. 105.

[90] For articles of enquiry, see Strype, Parker, pp. 72, 73.

[91] Strype, Parker, p. 73.

mission, *jure metropolitano*, the commissioners for Lichfield and Coventry, Gloucester and the cathedral of Salisbury being laymen. A mixed commission went to the dioceses of Peterborough, Rochester, and Oxford, but St. Asaph, Bath and Wells, Bangor, St. David's, Exeter, Hereford, London, Sarum, and Worcester were left to their own bishops.[92] Parkhurst, the bishop of Norwich, had previously, as it would seem, issued a set of injunctions of his own.[93]

33. The archbishops' articles required

a comely and decent table for the holy communion, decently covered and set in a convenient place, according to the queen's injunctions; a Bible in the largest volume, the Book of Common Prayer, the homilies, the paraphrases of Erasmus, a poor box, a pulpit in a convenient place, a font decently kept, a surplice, and bells, as things needful and requisite in addition to "all other things necessary in and to the premises."[94]

The minister was to use all rites and orders prescribed in the Book of Common Prayer, etc., and none other than was set forth by the laws of the realm, and that without any kind of variation. An oath of supremacy, and a subscription thereto, and to the common prayer and the queen's injunctions, had to be taken and made.[95]

[92] Id. pp. 75, 76, 103; St. Pap. Dom. Eliz. XVII. No. 23, 36; XIX. No. 10.

[93] Rit. Com. Rep. II. App. E. p. 402.

[94] Art. 2, 8, 3, 5. Rit. Com. Rep. II. p. 403. The articles made enquiry, "whether images and all other monuments of idolatry and superstition be abolished and destroyed in your several parishes, . . . whether the rood loft be pulled down according to the order prescribed"; and also "whether your altars be taken down according to the commandment on that behalf given?"

[95] Strype, Parker, p. 77. Whenever the law directs a thing to be done, the command carries with it, and implies, an authority to use all proper means for the doing of it. So in matters of public worship, whatever is reasonably needful for the reverent, convenient, comfortable, and proper doing of any prescribed duty or act is supplied by necessary intendment, having regard to decency, fitness, common usage, and uniformity. But it is not permitted that, under cover of any subsidiary act, deed, or thing, there should be introduced either in the form, matter, or manner thereof, any ritual or ceremonial innovation or addition. "Stoves, hassocks, pulpit cloths, cushions, pews," and such like things for comfort and decency, are merely subsidiary, and do not of themselves, and of necessity, involve a breach of the one uniform order so needful to be observed in a body governed by rule. See ante, pp. 94, 95; Lingard, VI. p. 10.

34. Lingard, speaking of this period, remarks,

"With the aid of commissions, injunctions, and visitations, the church was gradually purged of the non-juring clergy; but their absence left a considerable vacancy, which was but inadequately supplied by the reformed ministers, and it became necessary to establish for the moment a class of lay-instructors consisting of mechanics."

But how inaccurate this is has been already seen, for the ordination of mechanics was expressly forbidden. The scarcity arose from the wholesale ejections of the married clergy in Queen Mary's reign, and not from the secession of the eighty priests who refused to conform on the accession of Elizabeth. If the annalists and the records are to be credited, many who obtained orders in Queen Mary's reign were not always of the rank even of mechanics. Neither learning nor goodness were ever a recommendation, or of much esteem, in mediæval times at Rome.[96]

35. Grindal began his visitation on April 17th with and at St. Paul's; and the names of those who should attend being

[96] If Philip's confessor, Di Castro, is to be believed (and there seems little doubt of the fact), even the popes were not always so learned as was needful. He wrote, "Non enim dubitamus an haereticum esse et papam esse, coire in unum possint; sed id querimus, an hominem qui alias in fide errare potuisset, dignitas pontificialis efficiat a fide indeviabilem. Non enim credo aliquem esse impudentem papae assentatorem, ut ei tribuere hoc velit, ut nec errare aut in interpretatione sacrarum literarum hallucinari possit. Nam cum constet plures eorum adeo illiteratos esse ut grammaticam penitus ignorent, qui fit ut sacras literas interpretari possint?" The prudent editor of the Paris edition of 1571 has, in accordance with Roman use, omitted this passage, of the truth of which papal history supplies very many infallible proofs. Di Castro. adv. haeres. fo. 9, d. Cologne, 1539. But the ancient canonists, Panormitan and Gratian, to say nothing of councils, were of the same mind; for reason and common sense were not so wholly lost or abandoned as now. Up to 1870, in England, it was "the church" that was infallible and *not* the pope; to say that catholics believed the pope in himself to be infallible, was, we were told, "*a Protestant invention*; it is no article of the catholic faith; no decision of his can oblige, under pain of heresy, unless it be received and enforced by the teaching body; *i.e.* by the bishops of the church"! Keenan Controv. Cat. p. 102. See also Waterworth, Rule of Cath. Faith, pp. 12, 14, 133, 137, 143, 145, 146; Regula Fidei, by Veron. pp. 170—180; Challoner, Grounds of old Relig. pp. 53—60; Gother, Papist Misrepresented, Sect. 15, 16, pp. 18—20; Reg. Fidei, by Chrismann, pp. 99—106; Vaticanism, p. 125.

called over, those who did not answer were pronounced contumacious. He then declared the causes of the visitation, and "sat judicially," adjourning it till May 29th. On the 30th, Dr. Huyck, his vicar-general, took his place, and shewed the members of the church "certain injunctions in writing, concerning a certain conformity in the said cathedral church," for their consideration. The conformity being agreed to, the visitation was dissolved by Grindal on November 16th.[97]

36. On May 12th, the primate, sitting in commission with other delegates, pronounced sentence in the matter of the Earl of Hertford and his reputed wife, pronouncing the marriage void;[98] and this year the "Great Bible" was printed for the use of the church.[99] On July 20th, the Lord Derby, the Bishop of Chester, and others, were appointed commissioners for ecclesiastical causes for the diocese of Chester, and to enforce the acts of supremacy and uniformity.[100]

On November 11th, a queen's writ to the primate commanded him to summon all and every the bishops of his province, the deans of the cathedral churches, the archdeacons, and clergy to meet, according to custom, on January 12th at St. Paul's; and on the 27th, the archbishop sent his mandate to the Bishop of London to summon the clergy.[101]

On November 10th, the queen had addressed a writ to the like effect to Grindal and the southern bishops, but containing

[97] Strype, Grindal, pp. 58—62.

[98] Strype, Parker, p. 118.

[99] Strype, Ann. I. p. 284. It was Coverdale's translation, revised by him and set forth for use until the "Bishops' Bible" was ready.

[100] St. Pap. Dom. Eliz. XXIII. No. 56.

[101] The object of the meeting was "ad tractand. consentiend. et concludend. super praemissis, et aliis quae sibi clarius exponentur tunc ibid. *ex parte nostra*. These matters were said to be "quibusdam arduis et urgent. negotiis Nos securitatem et defensionem Ecclesiae Anglican. ac pacem et tranquillitatem, bonum publicum et defensionem regni et subditorum nostrorum ejusd. concernentib." Strype, Parker, p. 119. The *procuratorium* from the dean and chapter of Ely for this convocation had, as a common title, the words, "*Literae Procuratoriae pro convocatione cleri* in parliamento." Atterbury, Rights, &c., p. 620.

the "praemunientes" clause.[102] Archbishop Parker drew out the programme for the meeting.[103]

37. A.D. 1563. On January 11th, parliament and the Canterbury convocation met.[104] The convocation was, however, prorogued by Dr. Weston, the primate's official, to January 13th, when the archbishop and eighteen suffragans attended. After service, and a sermon by Day, the provost of Eton (who preached in his gown), the bishops went to the chapter house, and there the archbishop (after requesting the lower house to appoint a speaker, and other merely formal business), prorogued the assembly to January 16th.[105] Collier says of this convocation, "there were several things aimed at, but, excepting a subsidy, together with some additions, omissions, and alterations in the doctrinal articles, nothing passed." Its meetings were, however, continued for thirty-six sessions.[106]

[102] Strype, Grindal, p. 67. The clergy are there said to be summoned, "ad consentiendum his qua tunc ibidem *de communi consilio dict. Regni nostri* (Divino favente clementia), continget ordinari." The writ begins with the summons to the bishop himself to attend the parliament on January 11th, and concludes with the "praemonentes" clause.

[103] Strype, Parker, p. 120.

[104] The York convocation was prorogued by a royal writ to February 5th. The Archbishop of York and the two bishops of Chester and Durham were in London for the meeting of parliament, and to attend the synod of bishops. Hence it was opened on February 5th by commission. After voting a subsidy of six shillings in the pound, and dealing with other matters of business, "quibusdam arduis negotiis, statum boni publici et Dei gloriam concernentibus," it was prorogued by the archbishop's commissaries to April 28th, but a royal writ overruling this prorogued it to October 3rd, the same time as parliament. The thirty-nine articles do not appear to have been before the convocation at all. Nor was it a matter of any importance if they did not, the resolution of 1462 rendering it needless. Wilk. Conc. III. p. 580; Johnson, Eccl. Laws, II. p. 1462; Atterbury, Rights, p. 47.

[105] The clergy attended in surplices, at all events those of St. Paul's did. Strype, Ann. I. p. 316; Parker, p. 121. The preacher wore his B.D. gown. Synod. Ang. p. 195, ed. 1702, p. 146, ed. 1854.

[106] Collier, VI. p. 361. Mr. Joyce makes it "the parent of the thirty-nine articles." Synods, p. 555. Convocation was on April 14th prorogued to October 3rd, and thence to October 6th, and, on account of the plague, by successive prorogations, with parliament, to October 1st, 1566. Wilk. Conc. IV. pp. 246, 251.

On January 16th it met for the third time, in the chapter house, the primate and seventeen bishops being present. The election of Nowel as prolocutor was approved and confirmed, and the lower house dismissed. The bishops then sat in synod, and the primate asked each of them to consider what reforms they thought needful in their dioceses, and to bring them forward at the next sitting; and then, after a private sitting, the synod was adjourned, by common consent of the bishops, to the 19th.[107]

On the 19th, after a debate in the synod at Westminster, concerning articles of faith, the prolocutor was sent for, and came, with six members of the lower house, and presented certain written schedules of "reformanda." These "reformanda" were by common consent referred to a committee of the lower house, grave and learned men, for consideration and putting into shape. He also asked that the articles of the synod of London in King Edward's time might be delivered to another committee, chosen *ad hoc*, for consideration, and to report upon them at the next meeting,—all of which requests the primate granted.[108]

The next day the synod of bishops met at Westminster and considered over, for some three hours, the articles of faith, and then adjourned.[109] On the 22nd, the bishops sat at the chapter house at St. Paul's for three hours, and again on the 25th at Westminster for two,

[107] We meet here with episcopis praedictis ac *praelatis* et clero et *populo* astantibus. Perhaps by praelatis the deans are meant. Ante, p. 182, n. 8. On the dismissal of the clergy we read, "Tunc, dimisso clero inferioris domus, reverendissimus rogavit patres, quod unusquisque eorum citra proximam sessionem excogitare velit ea quae in eorum separalibus diaecesibus reformatione indigeant ac in proxima sessione proponere dignaretur. Et tunc, habita inter dictum reverendissimum patrem et confratres suos secreta quadem communicatione (semotis omnibus arbitris), tandem dictus reverendissimus de consensu patrum continuavit et prorogavit hujusmodi convocationem sive sacram synodum provincialem, omniaque et singula, etc." On January 22nd, 25th, 27th, February 3rd, 26th, March 1st, 3rd, 5th, 10th, 12th, 19th, the bishops sat in secret session ("secreto inter se aliquamdiu communicarunt"), at other times they met and treated, by and amongst themselves, "de rebus ecclesiae" (the subsidy and other matters), sending for the prolocutor only as they saw fit. On some ten occasions the synod met only to be prorogued, but in every case the legislative action was, and rested with, the bishops only. Syn. Ang. p. 149, ed. 1854; Wilk. Conc. IV. p. 232; Strype, Ann. I. pp. 316, 317.

[108] Syn. Ang. p. 149; Strype, Parker, p. 122; Wilk. Conc. IV. p. 232.

[109] Inter se tractarunt et communicarunt. Syn. Ang. p. 151. The articles were discussed by the bishops on January 22nd, 25th, 27th, and 29th, when they were finally agreed on and subscribed. Wilk. Conc. pp. 233, 237.

and on the 27th for three hours. On the 29th they met at St. Paul's, and after a discussion, the articles of faith were unanimously agreed upon and subscribed by the two archbishops and the twenty bishops present; this done, a committee of four bishops was appointed by the primate, with the consent of the synod, to frame certain canons of discipline.[110]

On February 3rd, the synod met at Westminster, and sat for three hours, and again on the 5th at St. Paul's, when the archbishop commissioned the bishops of London, Winchester, Worcester, and Lincoln to take his place, and a committee of four bishops was appointed to examine *The Catechism*. A discussion then took place as to the clergy subsidy, and the prolocutor of the clergy was summoned, who appeared with six members of the lower house, and brought with him a book of doctrinal articles, which, he said, had been sent by the primate to the lower house and had been subscribed by some of the members, and he asked, on behalf of the lower house, that the rest, in case of refusal, should be compelled to do so, and the bishops decreed that the names of non-subscribers should be handed in to them at their next meeting.[111]

[110] Strype, Ann. I. pp. 325, 7; Parker, p. 122. "Post tractatum aliquem inter eos habitum, tandem super quibusdam articulis orthodoxae fidei inter episcopos quorum nomina eis subscribuntur, unanimiter convenit." Syn. Ang. p. 152. The form ran, "Nos archiepiscopi et episcopi utriusque provinciae Regni Angliae in sacro synodo provinciale legitimo congregati, recipimus et profitemur, et ut veros atque orthodoxos, manuum nostrarum subscriptionibus approbamus." Strype, Ann. I. p. 326; Wilk. Conc. IV. pp. 233—237. "It is observable," says Fuller, "that these articles came forth much about the time wherein the decrees of the Council of Trent were published; *truth* and *falsehood* starting in some sort both together, though the former will surely carry away the victory at long running; many of which decrees begin with lying, and all conclude with cursing, thundering anathemas against all dissenters, whilst these our articles, like the still voice, only plainly express the positive truth." The idea, again revived by those whose inspirations and hopes are Romeward, that these decrees were "articles for peace" appears to be without any reason. They were no doubt, as Fuller remarks, penned "in comprehensive words to take in all who, differing in the branches, meet in the root of the same religion,"—to all who in fact agree on those first principles upon which the quarrel was with Rome. The decrees of a spurious council like that of Trent are of no authority in England. The 13 Eliz. c. 12 gave the thirty-nine articles parliamentary sanction and the force of law. They were solemnly ratified afresh by both houses in 1571, and ordered to be printed and delivered at all visitations and synods. Fuller, Ch. Hist. Book IX. pp. 72, 70; Wilk. Conc. IV. pp. 262, 263; Dodd, II. p. 12; Heylyn, Queen Eliz. p. 159.

[111] The subscription ran, "Hi quorum nomina sequuntur propriis manibus

On the 10th, the prolocutor and eight members of the lower house appeared before the synod, and treated of a subsidy, and were directed by the bishops to present at the next meeting all who had not subscribed to the book of articles; on the 12th, 15th, and 17th, the bishops met and discussed the clergy subsidy.

On the 19th, the primate again presided in the synod, and sent for the prolocutor of the clergy, and gave to him, and the deputation of six who came with him, six articles in writing, on the writ of *melius inquirendo*, on the rating of benefices, on dilapidations, on arrears of subsidies, on benefices charged with religious pensions and vacant, as to the number of each.[112]

The 22nd and 23rd were taken up with the final settlement of the subsidy, to which the clergy unanimously agreed. On the 26th, the prolocutor presented to the synod a MS. book on discipline, which had received the assent of the lower house, and it was given to five bishops to examine.[113] On March 1st, he appeared again with some additions, and was told to bring the whole on the next meeting. On the 3rd, the "catechism" was brought up, having been assented to by the lower house.[114] On the 5th, the prolocutor and four others presented the book of discipline, with some chapters added.

After twelve more sessions (in five of which the bishops appear to have met in synod as usual, but of the transactions of which we have no record), convocation was prorogued on April 14th.[115]

subscripserunt libello articulorum, a reverendiss. archiep. Cant. et episcopis provinciae Cant. ad inferiorem domum convocationis transmisso." This subscription very humbly reserved the rights of the crown and of the state, having appended thereto, "Ista subscriptio facta est ab omnibus sub hac protestatione quod nihil statuit in praejudicium cujusquam senatus consulti; sed tantum supplicem libellum, petitiones suas continentem, humiliter afferunt." Strype, Ann. I. pp. 327, 329; Wilk. Conc. IV. pp. 237, 238.

[112] Syn. Ang. p. 156; Strype, Ann. I. p. 344; Wilk. Conc. IV. p. 238.

[113] A committee of bishops had been appointed on January 29th, ad excogitand. quaedam capitula de disciplina in ecclesia habend. Syn. Ang. pp. 152, 158. They were, no doubt, like the articles and catechism, sent down to the clergy, and returned, except in the case of the chapters on discipline, without any suggested alterations or additions. See Strype, Ann. I. pp. 318, 325; Wilk. Conc. IV. p. 239.

[114] The "catechism" was referred to a committee of bishops on February 5th. Syn. Ang. p. 153; Strype, Ann. I. p. 317; Wilk. Conc. IV. p. 239.

[115] Wilk. Conc. IV. p. 239; Syn. Ang. p. 163.

38. Strype mentions that after the settlement of the thirty-nine articles[116] Bishop Sandys brought in a paper to move the queen to take out of the book of common prayer

1. (With the archbishop's assistance, according to the limitation in the act) baptism by women.

2. The rubric for crossing infants on the forehead as superstitious.

Thirty-three members of the lower house signed a petition to the bishops, that

1. The psalms appointed at common prayer be sung distinctly by the whole congregation, or said in a convenient place by the minister alone, and that all curious singing and playing of organs be removed.

2. Only ministers baptise, and the sign of the cross be omitted.

3. At the communion, kneeling be left indifferent.

4. The use of copes and surplices be taken away, and all to use "a grave comely and side garment as commonly they do in preaching."

5. The use of priest's gowns and caps be done away.

6. The thirty-third article be softened.

7. Saints' days be abolished, or at least only a commemoration of them reserved.

These questions, with slight alterations, appear to have been discussed in the lower house, and on division, fifty-eight were content, and fifty-nine non-content.[117]

The archbishop, and Sandys also, drew up certain articles and orders to be observed by bishops and ecclesiastical persons.[118] But they were not allowed.

[116] Wilk. Conc. IV. p. 239; Strype, Ann. I. p. 335.

[117] Strype, Ann. I. pp. 335—339; Wilk. Conc. IV. p. 259.

[118] A bishop was not a clerk in the Roman canon law, "clericus, ex vi verbi, non comprehendit episcopum sed cum adjuncto sic, inquantum illud adjunctum potest concernere episcopum." Lyndw. pp. 153, n. y. 152, n. t.; Ferraris. s. v. II. p. 237. And the word "ministers" in the ornaments rubric does not include bishops. The ornaments spoken of are those of "the ministers thereof," *i.e.* of "the church," or the building in which common prayer was said. The minister of each particular church is intended, not those in a higher and more general place and authority. See Stephens, Eccl. Stat. pp. 428, 432, 1991, n. 2; 13 Eliz. c. 12.

The lower house consolidated what they thought proper to be observed in a petition of twenty-one articles, signed by sixty-four members.

The bishops' orders for readers and deacons were also confirmed, and the second book of homilies prepared and finished by the bishops, and a preface made for it by Bishop Cox, but it "lay till the next year before the queen for her confirmation of it." Other papers seem to have been laid before the bishops, one by the Bishop of Exeter, "for doctrine and discipline," another by the primate. Two bills were also drafted to recommend to parliament.[119]

39. In parliament, the acts for the assuring the queen's supremacy, for the due execution of the writ *de excommunicato capiendo*, and for the translation of the bible into Welsh, were passed.[120]

The first made a second refusal of the oath of allegiance treason, and provided that the oath should

"be taken and expounded in such form as is set forth in an *admonition* annexed to the queen's majesty's injunctions, published in the first year of her majesty's reign; that is to say, to confess and acknowledge in her majesty, her heirs, and successors, none other authority than that was challenged and lately used by the noble King Henry the Eighth and King Edward the Sixth."[121]

[119] Strype, Ann. I. pp. 339—358; Collier, VI. pp. 360—378.

[120] 5 Eliz. cc. 1, 23, 28.

[121] 5 Eliz. c. 1, § 14. For the admonition, see ante, p. 204. Two speakers, the Lord Montague in the Lords and Mr. Atkinson in the Commons, opposed the bill. The former pointed out that the "Catholics of this realm disturb not nor hinder the public affairs of the realm, neither spiritual nor temporal. They dispute not, they preach not, they disobey not the queen, they cause no trouble nor tumults among the people, so that no man can say that thereby the realm doth receive any hurt or damage from them, and that therefore the law was needless." Parl. Hist. I. p. 686; Strype, Ann. I. pp. 295—304; Parker, pp. 124, 125; Collier, VI. p. 350; and such, as regarded the great body of Romanists, was doubtless the fact; they were, and remained, loyal all through the trying events of the queen's reign. In 1588 it was a brave and loyal Romanist, the Lord Admiral Howard, who sent in chivalrous proud defiance his pinnace, "The Disdain," to begin the fight with the biggest ship of the Armada, himself, in "The Ark Royal," following hard on "with much thundering" to secure the prize. They were Englishmen first of all. But the accession of the popes, Pius IV.

The next met the case of those offending "in many great crimes and offences appertaining merely to the jurisdiction and determination of the ecclesiastical courts and judges" of the realm, "that were many times unpunished for lack and want of the good and due execution of the writ *de excommunicato capiendo*."[122]

and V., changed the face of things, and the no longer concealed hatred of the curia burst forth in a conflict which brought many to the scaffold, the victims of a too faithful but fatal allegiance, not to their country, but to the pope. See App. R.

[122] 5 Eliz. c. 23. Excommunication was "the Church's" way of enforcing obedience and punishing contempt. There were three kinds—the minor, major, and anathema. The minor, "contrahitur per solam participationem cum excommunicato, et a tali potest simplex sacerdos absolvere." It forbade praying, speaking, eating, or drinking with the excommunicate, and was the modern "Boycotting." The major, "quam pontifex per sententiam scriptam legendo promulgat," ran thus: "Cum ego N. *talem* primo secundo tertio et quarto ad malitiam convincendam, legitime monuerim ut *tale quid* faciat, *vel* non faciat; ipse vero mandatum hujusmodi contempserit adimplere, quia nil videretur obedientia prodesse humilibus, si contemptus contumacibus non obesset; Idcirco auctoritate Dei omnipotentis Patris, etc. . . . exigente ipsius contumacia ipsum excommunico in his scriptis et tamdiu ipsum vitandum denuntio, donec adimpleverit quod mandatur, ut spiritus ejus in die judicii salvus fiat." There was no release from this sentence except by the most ample obedience and abject submission. Anathema was "solemnis excommunicatio pro gravioribus culpis." It was, as the term implies, a curse, and separated the offender "a societate omnium Christianorum et a liminibus sanctae matris ecclesiae in caelo et in terra; et excommunicatum et anathematizatum esse decernimus, et damnatum cum diabolo et angelis ejus et omnibus reprobis in ignem aeternum judicamus; donec a diaboli laqueis resipiscat et ad emendationem et paenitentiam redeat, et ecclesia Dei quam laesit, satisfaciat; tradentes eum satanae in interitum carnis, ut spiritus salvus fiat in die judicii," and this formula pronounced, the bishop and clergy threw on the ground the lighted candles they held. Pontif. Rom. fo. 196—9, ed. Venice, 1561; and pp. 284—288, ed. Rome, 1869. For a more forcibly expressed, but probably not more effective, curse on those who troubled nuns, see Pontif. Rom. fo. 76, ed. 1561. See Maskell, Mon. Rit. I. p. cclxxxii.—ccxciv., 226; Du Cange, s. v. "anathema"; Ferraris, s. v. "excommunicatio"; Du Pin, de antiq. Eccl. Discip. pp. 244—302 and 566—571, on the English oath of allegiance. A person under the major excommunication was deprived of all, or nearly all, civil rights, and was in fact, in the view of the canon law, a church outlaw, bearing a wolf's head, and anyone might kill him. The writ, *de excom. cap.*, although found in Fitzherbert, was not really a common law writ, or *e debito justitiae*, but *gratia regis procedit*. Ante, p. 110, n. 91; 2 Inst. p. 623. Before the statute, the writ being, like that of *de haeretico comburendo*, a chancery one, was issued thereout upon the bishop's *significavit* to the king of the fact of the excommunication. And this *significavit* might be upon a general cause, as for contumacy, or for not obeying the com-

The third directed the translation of the bible and prayer book into Welsh, the bishops of Hereford, St. David's, Asaph, Bangor, and Llandaff to take order therefor, and the books to be used on March 1st, 1566.[123]

40. On April 21st, Sir John Browne, who had complained by information to the privy council of Sandys, bishop of Worcester, and had been sent to prison therefor, made his submission.[124] On May 23rd, a commission went to Dr. Cottrell, a layman, to visit the diocese of Bristol;[125] and in June, Cecil is urged to obtain the queen's approval of the "books of homilies," that the archbishop might distribute them at his intended personal visitation.[126]

mands of the church. But now the writ was made returnable, in the king's bench, thus involving, as the common law required, the setting out of the cause or offence. The 53 Geo. III. c. 127 (in 1813), discontinued excommunication except in the case of definitive sentences, (or interlocutory decrees having the same force), when pronounced by an ecclesiastical court as spiritual censures for offences of ecclesiastical cognizance. See Bacon, Abridg. III. pp. 328—349; 1 Inst. 133*b*, 134*a*, Lib. II. § 201; 2 Inst. 326, 473, 4, 527, 536, 7, 631; 4 Inst. 327; Fitzherbert, Nat. Brev. p. 144, ed. 1755; Godolphin, cap. 42, pp. 623—38; Reform. Leg. pp. 159—79; Tindall's Rights of the Church, I. pp. 33—122; Ayliffe, Parergon, pp. 255—262; 25 Edw. I. st. I. c. 4; 9 Edw. II. st. I. c. 7, 12; 2 & 3 Wm. IV. c. 93; 3 & 4 Vict. c. 93; Steph. Eccl. Stat. pp. 409, 1051; Comyn, Dig. IV. pp. 105—111; Gavanti, Praxis, p. 145; Selvagio, III. pp. 167—182; Burcardi, Decret. lib. XI. fo. 145—153, c. iii.—viii. for forms; Ivo, pt. XIV. pp. 389—402; Regino, lib. II. c. 303—309, 391—413; Van Espen, p. III. Tit. X. c. 1, 3; XI. c. 1—8, pp. 888, 897, 905—923, ed. 1702; Can 2—12, 59, 68, 73, 76, 85, 122, 139, 141 of 1603; Art. XXIII. Anathema "is the solemn curse or ban of Holy Church, exercised in the name, and by the authority of our blessed Lord." Lee; Glossary, s.v.; and see also Tottell, Stat. "Excommengement," ed. 1559; Rot. Parl. IV. p. 174 a.; Strype, Parker, App. p. 100, Whitgift, App. pp. 32, 72, 77, 87; Wilk. Conc. IV. pp. 71, 76, 268, 300, 316, 354, 391, 509, 551, 663; Lyndw. Prov. pp. 345—356, Const. Prov. p. 73; Johnson, Eccl. Laws; Indexes. s. v.; Gosselin, II. pp. 81—121; Can. 65 (of 1603); Not. Euch. p. 255.

[123] 5 Eliz. c. 28; Fuller, Ch. Hist. IX. p. 72.

[124] Strype, Ann. I. pp. 386—404; St. Pap. Dom. Eliz. XXVIII. No. 36—46.

[125] Strype, Parker, p. 130.

[126] Parker, Correspondence, p. 177; Strype, Parker, p. 128; Ann. I. pp. 346, 445. The two books of homilies were set forth in 1564, with a preface by the queen, enjoining their use. Strype gives it as originally drafted. The first twelve were authorised in King Edward VI.'s time. The 35th article declares that both books contain "godly and wholesome doctrine," whilst the 49th canon orders that

On July 9th, the privy council, by the queen's command, directed the archbishops and bishops to make a return of the state of their dioceses, setting out six articles of enquiry.[127] Soon after, upon the spreading of the plague, Cecil requested Grindal to frame a form of common prayer for use throughout England. On the 23rd, the primate wrote to Cecil, saying he had prescribed "the common prayer that was appointed in the Guise's time," but had not enjoined it "for want of sufficient warrant from the prince or council." On August 1st, Cecil replied, saying that before he received the letter he had "moved my lord of London to bethink himself of some formular of common prayer," and he enclosed "the queen's majesty's letter" for "his grace's further authority."[128]

This year, too, the archbishop published the table of prohibited degrees. It had been set forth in 1560, but now was put out "by authority."[129]

41. A.D. 1564. The vestment controversy now came up for decision; many of the clergy objected to the use, not merely of some but, of any of the retained ornaments. With them, the cap, tippet,[130] and surplice were as hateful as albs,

"ministers, not allowed preachers," shall "study to read plainly and aptly (without glossing or adding) the homilies already set forth, or hereafter to be published by lawful authority, for the confirmation of the true faith." The homily on "Wilful Rebellion" was framed in 1569.

In this month, we find mention made, in a letter of Bishop Jewel's to Parker, of the appeal, from himself and the primate, of one Chaffin to the delegates. Chaffin had married two sisters, and Jewel remarks, "I would that they would decree it were lawful." Parker, Corresp. p. 176.

[127] Strype, Parker, pp. 128—130; Ann. I. pp. 361, 362; Grindal, pp. 69, 70; Parker, Corresp. pp. 178—182; Wilk. Conc. IV. p. 244.

[128] Strype, Grindal, p. 72; Parker, pp. 131—135, App. pp. 34—36; Parker, Corresp. pp. 182—185; Wilk. Conc. IV. p. 242; Card. D. A. I. p. 280; St. Pap. Dom. Eliz. XXIX. No. 56. Upon the plague being stayed, Grindal drew up a form of thanksgiving, and on March 7th, 1564, sent it to Cecil, who made some corrections and approved. Strype, Grindal, p. 84, App. pp. 6—9; Parker, p. 135. An order for a thanksgiving for the queen's recovery was sent by the council to the bishops on October 17th. Card. D. A. I. p. 281; Wilk. Conc. IV. p. 243.

[129] Card. D. A. I. p. 282; Wilk. Conc. IV. p. 244; Strype, Parker, pp. 87, 88.

[130] The gown was described by Earl, a puritan, as a "Turkey gown, with a falling cape." Strype, Grindal, p. 97. The "tippet" appears to have been the stole. It was a part of the everyday clerical dress. This is plain from Grindal's

copes, and tunicles, and the opposition appears not to have been confined to the use of "priest's" vestments in the church, but extended to the wearing the prescribed habits out of it. In a paper, dated February 14th, Cecil set out the diversities of practice, both in ritual and ceremonial, as follows:[131]

"Some say the service and prayers in the chancel; others in the body of the church. Some say the same in a seat made in the church; some in the pulpit with their faces to the people. Some keep precisely the order of the book; others intermeddle psalms in metre. Some say with a surplice; others without a surplice.

The table standeth in the body of the church in some places; in others it standeth in the chancel. In some places the table standeth altarwise, distant from the wall (a) yard; in some others in the middle of the chancel, north, and south. In some places the table is joined; in others it standeth upon tressels. In some the table hath a carpet; in others it hath none.

Some with surplice and cap, some with surplice alone; others with none. Some with chalice, some with a communion cup, others with a common cup. Some with unleavened bread and some with leavened.

Some receive kneeling, others standing, others sitting.

Some baptize in a font, some in a basin. Some sign with the sign of the cross, others sign not. Some minister in a surplice, others without.

Some with a square cap and some with a round cap, some with a button cap, some with a hat. Some in scholars' clothes, some in others."

42. Disorders of the kind called for the prompt interference of those whose first duty it was to maintain order and law.

letter to Zanchy setting out the facts of the controversy. He says, "In vestitu ministrorum communi ex praescripto requiritur vestis talaris, pileum quadratum colloque circumducta stola quaedam ab utroque humero pendula." Strype renders *stola* by "tippet." It was anciently a matter of enquiry at episcopal visitations, "si sine stola vel orario in itinere incedat"; and a stole was a distinctive mark of a presbyter, to be worn at all times. Strype, Grindal, p. 107, App. No. 12, p. 22; Regino, p. 27, § 62; Maskell, Mon. Rit. III. p. 208, n. 80; Fairholt, Costume, pp. 50—52; Robertson, pp. 120—124. It was a proper appendage to the gown. See Parker, Corresp. p. 264; Marriott, Vest. pp. xlviii. 84; Leofric Missal, p. 215.

[131] Strype, Parker, p. 152; Neal, Puritans, I. p. 125.

Accordingly, on January 15th, Cecil sent a draft queen's letter upon the subject for Parker's consideration.[132] On the 25th, the queen wrote to the primate,[133] setting forth the importance of unity, peace, and concord for the comfort and ease of the government, and the welfare and repose of the people; and the danger of ruin, and the trouble and burden of ruling when there was "diversity, variety, contention, and vain love of singularity" in ministers or people. That the queen heard with grief that where

"of the two manner of governments, without which no manner of people is well ruled, the ecclesiastical should be the more perfect . . . yet in sundry places . . . for lack of regard given thereto in due time by such superior and principal officers . . . being the primate and other the bishops of your province, with sufferance of sundry varieties and novelties, not only in opinions but in external ceremonies and rites, there is crept and brought into the church by some few persons, (abounding more in their own senses than wisdom would, and delighting with singularities and changes), an open and manifest disorder and offence, to the godly wise and obedient persons, by diversity of opinions and specially in the external decent and lawful rites and ceremonies to be had in the churches . . . the inconvenience thereof were like to grow from place to place, as it were by an infection, to a great annoyance, trouble and deformity to the rest of the whole body of the realm, and thereby impair, deface and disturb Christian charity, unity and concord, being the very bands of our religion."

That she had hoped the bishops would have done their duty and stayed the errors, breeding "schism or deformity in the church," but finding the evil increasing, and considering

"the authority given to us of Almighty God for defence of the public peace, concord, and truth of this His church, and how we are answerable for the same to the seat of His high justice, mean not to endure or suffer these evils thus to proceed, spread, and increase in our realm,"

[132] Parker, Corresp. p. 223. Mr. J. Parker, Postcript, p. 127, for draft.

[133] There was no particular form required by statute or law in which the queen was to direct order to be taken. The letter was sufficient authority, and there was no need for it to be under seal. Id. p. 223; Strype, Ann. I. p. 459; Parker, pp. 154, App. p. 37; Burnet, III. pp. 219, 220. See post, n. 178.

she had determined to have all such diversities, varieties, and novelties amongst clergy and people as breed contention, offence and breach of common charity, and were

"also against the laws, good usages, and ordinances of our realm, to be reformed and repressed and brought to one manner of uniformity through our whole realm and dominions. And"

therefore she straitly required, enjoined, and charged the archbishop, as being the metropolitan

"according to the power and authority which you have under us over the province of Canterbury (as the like we will order for the province of York), to confer with the bishops your brethren, namely, such as be in commission for causes ecclesiastical,"

and to learn what diversities, varieties, and novelties there were amongst the clergy "in doctrine or in ceremonies and rites of the church," or "in the manner, usages, and behaviour of the clergy themselves," and

"thereupon as the several cases shall appear to require reformation, so to proceed by *order*, injunction, or censure, according to the appointment of such laws and ordinances as are provided by act of parliament and the true meaning thereof, so as uniformity of order may be kept in every church and without variety and contention."

And the queen further straitly charged the archbishop

"to provide and enjoin in our name, in all and every places of your province . . . that none be admitted or allowed to any office, room, cure, or place ecclesiastical, either having cure of souls or without cure, but such as shall be found disposed and well and advisedly given to common order, and shall also, before their admittance to the same, orderly and formally promise to use and exercise the same office, room, or place . . . in truth, concord, and unity; and also to observe, keep, and maintain such order and uniformity in all the external rites and ceremonies both for the church and their own persons, as by laws, good usages, and orders are already allowed, well provided, and established. And, if any of your superior officers shall be found hereto disagreeable, if otherwise your discretion or authority shall not serve to reform them, we will that you shall duly inform us thereof, to the end that we may give undelayed order for the same; for we intend to have no dissension or variety grow by

suffering of persons which maintain dissension to remain in authority; for so the sovereign authority which we have, under Almighty God, should be violate and made frustrate, and we might be well thought to bear the sword in vain."

43. Upon the receipt of this letter, the archbishop "required of every bishop a certificate to be sent him" concerning the loyalty and conformity of the clergy to the rites and ceremonies of the church, the return to be made by the last day of February at the furthest.

The letter to Grindal[134] recites and enforces the queen's letter, requiring the bishops not to admit any

"to any office or room ecclesiastical, but such as shall be disposed to follow order, and shall also, before their admittance, orderly and formally promise to use themselves in truth, concord, and unity, and to keep such order and uniformity in all the external rites and ceremonies, both for the church and their own persons, as by laws, good usages, and orders already are provided."

And he further charged the bishops to

"see the laws and ordinances already stablished, to be without delay and colour executed in their particular jurisdictions, with proceeding against the offenders by the censures of the church," etc.

44. The primate also sent orders to his own cathedral church to certify, which they did.[135] Their certificate reported that

"The common prayer daily through the year, though there be no communion, is sung at the communion table, standing *north* and *south*, where the high altar did stand. The minister, when there is no communion, useth a surplice only, standing on the east side of the table with his face toward the people.

The Holy Communion is ministered ordinarily the first Sunday of every month through the year, at what time the table is set *east* and *west*. The priest which ministereth, the pystoler and gospeller at that time wear copes."

[134] Parker, Corresp. p. 227; Strype, Parker, pp. 154, 155; Ann. I. p. 461. See post, n. 139.

[135] Strype, Parker, p. 183.

45. Soon after, says Burnet,

"some of the bishops met,—six in all. Of these, four were on the ecclesiastical commission. The Archbishop of Canterbury, the Bishops of London, Ely, and Rochester, and with these joined the Bishops of Winchester and Lincoln. They agreed on some rules and orders meet to be observed, not as equivalent to the word of God, nor as laws that did bind the conscience, from the nature of the things considered in themselves, or as that they did add any efficacy or more holiness to the public prayers and sacraments, but as temporary orders, merely ecclesiastic, and as rules concerning decency, distinction, and order for the time." [136]

46. The distinction and difference between the queen's letter of January 22nd, 1561, and the one of January 25th, 1564, will be readily seen. In the one case, the queen exactly set out and prescribed what was to be done, leaving the commissioners to settle the manner of doing it. In the other, she merely points out in general terms the mischief, but does not say what order was to be taken to abate or remedy it. The metropolitan was first of all, after conference had, as directed, to enquire and learn precisely "what varieties, novelties, and diversities" there were, and, this done, to proceed to the reformation of each and all of them, "by order, injunction, or censure," as the several cases should appear to him, in his discretion, to require, but so that all be done according to the true meaning of the laws and ordinances provided by act of parliament, and one manner of uniformity of order secured in every church throughout the realm.

47. On this direction it was clear that, in any order taken

[136] Burnet, III. p. 220. Mr. Finlason, in his critique on the Folkestone case, quotes this extract thus: "Upon that six of the bishops met, four of whom were on the commission, and agreed to some orders meet to be observed, not as having the force of law, but only as temporary orders merely ecclesiastical. Burnet, v. p. 589." But I have been unable to find the edition containing the extract as given by Mr. Finlason. The act provided that "other order" might be taken by the authority of the queen, with the advice of the ecclesiastical commissioners *or* the metropolitan. No joint advice was required, and that of the metropolitan was sufficient. Burnet is in error as to the six bishops. It was only four besides the primate. He mistook the "advertisements" for the "book of articles," but quotes from the part of the preface that is common to both.

in the one matter of "ornaments," the statutory provisions would have to be complied with, and thus, whatever other order was taken, by the advice of the metropolitan, would need the final sanction and formal approval of the queen herself before it could become law. When this sanction or authority was given, and the statutory power executed, the right to use the retained ornaments would cease and be determined, just as much as it would if the clause of the act had been repealed.[137]

48. And in obeying the queen's commands, not only was the discretion of the metropolitan to be exercised lawfully, but care had to be taken that the orders should be so framed as to secure, as a result, that "an uniformity of order" be "kept in every church without variety and contention." The putting an end to disorder and the obtaining a general conformity being the one chief end to be attained. We have already seen what the disorders were. The "Advertisements" contain and present to us the order taken, and the remedy finally decided on.[138]

[137] As only four members of the ecclesiastical commission were summoned, the order settled was not "with the advice" of the commissioners, but with that of the metropolitan, assisted by four bishops, only. The "Advertisements" were, however, signed by the primate and five bishops, "with others," so that, although the "book of articles" was drafted by the primate, with the aid of four bishops only, "the Advertisements were issued with the advice of the metropolitan and, indeed, also with the advice of the commissioners for causes ecclesiastical," as stated by the Judicial Committee in the Ridsdale case. Mr. Parker, however, is of opinion that the vestments of 1549 are legal "from the day of the coming into operation of the act in 1559, *until* that act, or rather that clause of the act, should be repealed." But the proviso runs, "*until* other order shall be taken therein by the authority of the queen's majesty," etc.; and not "*until* the clause of the act shall be repealed." Letter to Lord Selborne, p. 7.

So far as the "Advertisements" were an exercise of the power given by the act, they merely altered the form and order of service as to ornaments, the "other order" contained in them being thenceforth substituted for the order of the proviso and enforced by the Act of Uniformity in its stead, as part of the Book of Common Prayer.

[138] It has been urged that what was done under the pressure of this period was no true test of the intentions of our church at such a time. But in 1604 the "pressure" had passed away, and convocation, with the rubric staring them in the face, deliberately adopted the order of the Advertisements as to "ornaments." See Perry, Lawf. Ch. Orn. p. 206.

49. In January, upon Archbishop Parker's letter to Grindal, the London clergy were summoned before Archdeacon Mullins, sitting, by commission from the bishop, at St. Sepulchre's church.[139] He then

"signified to them the queen's pleasure, which was, that all in orders should wear the square cap, surplice, and gown. They were therefore prayed in a gentle manner to take on them the cap, with the tippet to wear about their necks, and the gown, and to wear in the ministry of the church the surplice only. They were also required to subscribe their hands that they would observe it."

One hundred and one did so, but eight refused.

50. On March 3rd, Parker, "in pursuance of the queen's letter," sent to Cecil a draft "book of articles,"

"partly of old agreed upon amongst us, and partly of late these three or four days considered, which be either in papers fasted on as ye

[139] See ante, p. 234. Two dates, January 27th and 30th, are given for Parker's letter to Grindal. And it is certain (from Strype's remark that the plague was then "slacking") that the London clergy were summoned in January, 1564, and not 1564-5. Stow says that 20,136 persons died of it (between January, 1562, and the last day of December, 1563) in the 108 parishes within and the eleven without the city, but that by Easter (1564) it had clean ceased in London. The plague is said to have been one cause why the bishops had been unable to exercise and enforce the needful discipline, more especially in London, where there were "not a few who wore neither surplice, tippet, nor square cap, and did not use the other ceremonies prescribed in the Book of Common Prayer"; for the Puritans set all the requirements of the rubric at defiance. And the question for solution was *not*, as is often asserted, one of a *maximum* or *minimum* of observance, but whether there should be any ornaments at all retained or used. The rubric had been, like the proviso in the act, framed and inserted to please the queen, and was in contradiction to the use of the restored liturgy. Both rubric and proviso rested like the ornaments of the first book on parliamentary authority only, and were plainly meant to be temporary and provisional.

To enforce the lawful ornaments was, in the then temper of the time, impossible. To allow the law to be defied and disobeyed was equally so. To do away with all the ornaments and yield to the Puritan demands was out of the question. There was no alternative but to fall back upon the power contained in the proviso of the act and take "other order," and enforce that order when taken. It was for the primate or the ecclesiastical commissioners to settle and advise what that order should be, the authority of the queen both moving him or them to take it and giving it when taken the force of law. Ante, p. 230, 231; Strype, Grindal, pp. 96—98; Ann. I. pp. 461, 462; Parker, pp. 151, 155, 161; Parker, Corr. p. 227; Stow, Ann. pp. 1112, 1113.

see or new written by secretary hand. Because it is the first view, and not fully digested, I thought good to send it to your honor to peruse to know your judgment, and so return it that it may be fair written and presented.[140] The devisers were only the bishops of London, Winchester, Ely, Lincoln, and myself. This day in the afternoon we be agreed to have conference with Mr. Sampson[141] and four other of the ministers in London to understand their reasons, etc., if your honor will step over to us if it please you."

51. On March 8th, the fair copy of the "book of articles," subscribed by the bishops, conferrers, was sent to Cecil,[142] the archbishop remarking that

"If the queen's majesty will not authorise them, the most part be like to lie in the dust for execution of our parties;[143] laws be so much against all our private doings. 'The queen's majesty with consent,' etc., I trust shall be obeyed."[144]

[140] *i.e.* by Cecil to the queen.

[141] Sampson, the dean of Christ Church, and Humfrey, the president of Magdalen and divinity professor at Oxford, were the champions of those who were now first styled "Puritans." The party had powerful friends at court and in the council, to say nothing of the bishops and universities, and they were the fathers of modern non-conformity. The ground taken up was "that certain of the ceremonies used in the public service were popish," and special objection was made to the Babylonian garments or mass vestments. Strype, Parker, pp. 162, 184; Ann. I. pp. 461—465, 471—492; Grindal, pp. 97, 107, 114, 120, 121; Fuller, Ch. Hist. IX. p. 76; Neal, Purit. I. Pref. p. v. and pp. 124—151; Ellis, Orig. Let. 2nd ser. III. p. 34.

[142] Upon the back of this copy Cecil wrote, "March, 1564. *Ordinances accorded by the Archbishop of Canterbury in his province. These were not authorised nor published.*" Strype, Parker, pp. 158, 159; Parker, Corr. p. 234.

The "book of articles" is given in Strype, Parker, App. pp. 47—52. It shews what was first resolved upon, and may be compared with the "Advertisements" afterwards set forth, as given in Card. D. A. I. pp. 287—297; Sparrow, p. 86, 1st edit. p. 121, 3rd edit.; Wilk. Conc. IV. pp. 247—250. It was made up of old and new matter, and the "Advertisements," newly printed in 1566, were merely the articles with the preface altered and some parts left out. The "articles," as first drawn, certainly never had the final authority of the queen, and much confusion exists and many mistakes are made by confounding them with the revised draft which was afterwards known as "The Advertisements." For the "book of orders" of 1561, see Perry, Lawf. Ch. Orn. p. 276, and Grindal, Remains, p. 154.

[143] Parties, *i.e.* parts.

[144] The archbishop here clearly refers to the proviso and statutory power of

He then adds that Sampson and Humfrey had that afternoon returned the copies of Bucer's and Martyr's letters, "*sed illi antiquum retinent immobiles.*"[145] On the 20th, they framed "a supplicatory letter" to the primate and the four bishops, commissioners, for a toleration, but in vain. They then tried to get leave to go home, but without success.[146]

52. But the "book of articles" failed, if presented, as it probably was, to obtain the queen's sanction. She was

"persuaded not to add her own immediate authority to the book by some great persons at court,[147] because, upon their suggestion, she said the archbishop's authority and the commissioners alone were sufficient.[148] And so, instead of calling them "articles" or "ordinances," they only named them "advertisements." These orders (called now "advertisements"), by the metropolitan and some ecclesiastical commissioners drawn up, if the queen had established them, would have had the strength of the law by a proviso in the act for uniformity."[149]

the Act of Uniformity, but seems to have quoted from memory, as "consent" is put for "advice"; and he intimates that "the book of articles," which he had framed in obedience to the queen's commands (and now sent to Cecil to present to her for her final and express authorisation), would not have the force of law unless the provisions of the act were complied with, the law being against any private doings of the metropolitan or ecclesiastical commissioners. There must be not only the queen's authority to one or the other to take order, but also her formal approval of the order advised (by either of them) to be taken. If she authorised the book, or the part that needed her express sanction, he trusted she would be obeyed, as the obnoxious rubric and proviso would then be superseded by the moderate requirements of the "other order" taken.

[145] The primate had on March 3rd urged the opinions of Bucer and Peter Martyr, giving copies of their letters to Sampson and Humfrey to read, but, as it appears, without result. Parker, Corr. p. 234; Strype, Parker, p. 162.

[146] Strype, Parker, pp. 162—165, App. p. 53, No. 30.

[147] When the "Advertisements" were afterwards issued, the things that had "given offence in the 'book of articles,' and were the cause, at least pretended, of stopping it, as some matters of doctrine" were left out, the "book being only intended for order," and not for doctrine. Strype, Parker, p. 216.

[148] The archbishop's and the commissioners' powers were no doubt either of them sufficient to enforce obedience to the Act of Uniformity; and it was their clear duty to do so. But having now taken order in obedience to the urgent commands of the queen, although that order wanted "the strength of law," the now insisting on the full requirements of the rubric, seeing they had advised the queen as set out in the book, was awkward and inconsistent.

[149] Strype, Ann. I. p. 462. Strype's statement is scarcely accurate. The

53. But although the "book of articles" was not authorised, the archbishop did not stay his efforts to enforce some conformity to the law as it stood.

"On the 24th of March following the reformation in ministers' habits began." The archbishop, with Grindal and others of the ecclesiastical commission, sat at Lambeth,

"when the use of the scholar's gown and cap was enjoined from that day forward. The surplice to be worn at all divine administrations, and the observation of the book of common prayer, as was appointed by the statute and the rubric of the said book, and subscription required to all this, or else a sequestration immediately to follow; and after three months' standing out, deprivation *ipso facto*."[150]

Out of the 140 who appeared, only thirty refused to subscribe, and "many of these within the three months came in." The rest were deprived.

54. In spite of all these efforts of the commissioners to obtain one uniform order, "the queen still calling on them so to do, reckoning their own authority sufficient,"

"the effect did not correspond at all. On the contrary rather, what they did proved the occasion to others of becoming more refractory; and whereas the *habits* had been the only or chief matter they

"book of articles" dealt with a variety of matters, both of doctrine, discipline, and order, and the authority of the queen was needed under the proviso of the act for this last part only. He here, too, fails to distinguish between the "articles" and the "advertisements." The last name was given when published in 1566.

[150] Strype, Grindal, p. 98, where the bishop's chancellor is said to have spoken thus: "My masters and the ministers of London, the council's pleasure is, That strictly ye keep the unity of apparel like this man," pointing to Mr. Robert Cole, a minister likewise of the city who had refused the habits awhile, and now complied) and stood before them canonically habited, "as you see him; that is, a square cap, a scholar's gown (priestlike), a tippet, and in the church a linen surplice, and inviolably deserve the rubric of the Book of Common Prayer and the queen's majesty's injunctions, and the book of convocation (that must be the thirty-nine articles). Ye that will presently subscribe, write *Volo*. Those that will not subscribe write *Nolo*. Be brief, make no words." Some wished to speak, but were silenced, and the apparitor called the churches, and each minister had, on answering, to subscribe *sub poenâ contemptûs*.

It will be observed that no notice was taken of the "book of articles." The rubric, the common prayer, and the queen's injunctions, being the only laws mentioned.

boggled at, now the rest of the church's rites began to be called in question too, such an influence had the connivance of the court. But now the queen shewed herself much offended."[151]

Nothing more of importance seems to have been done this year to enforce uniformity. Indeed, after the Lambeth sitting the "ecclesiastical proceedings seemed to slacken awhile." The nonconformists grew bolder every day than before, for

"notwithstanding the queen's express will and pleasure, and our archbishop's endeavours, the ministers refusing the habits had such countenance that they were much put up to preach public sermons; and they would take the confidence then, and that even before the queen, to preach without their habits, and had nothing said to them for it."[152]

55. But the archbishop, willing, as it would seem, not to resort to extreme measures with the nonconformist members of the church until all reasonable means had been tried, some time in December this year, and before taking "judiciary proceedings," propounded to Sampson and Humfrey nine questions on the subject in order that the business of conformity might be "learnedly and conscientiously discussed." To each of them they gave succinct answers, and to

"these answers were framed large and learned replies . . . so that at this time the controversy of ecclesiastical garments was

[151] Strype, Parker, p. 161; Parker, Corr. p. 236.

[152] Strype, Parker, p. 213; Parker, Corr. p. 264. In August the queen visited Cambridge. On the 6th, Dr. Pern preached before her in his doctor's cope, and, by the queen's orders, wore his cap during sermon. On August 9th, a disputation, "major est authoritas scripturae quam ecclesiae" and "civilis magistratus habet auctoritatem in rebus ecclesiasticis," was held. Desid. Cur. by Peck, II. p. 266; St. Pap. Dom. Eliz. XXXIV. No. 45, p. 243, A.D. 1547—80.

On September 1st, the Archbishop of York and four other of the council of York reported to the queen their sittings for the administration of justice, and that they had kept oyer and terminer with the justices. In 1574, the council of the north consisted of the archbishop and two bishops, two deans, and twenty-six laymen. Their duty was to enforce the laws and ordinances of the privy council and ecclesiastical commission touching religion and divine service, and to aid the bishops in enforcing uniformity. St. Pap. Dom. Eliz. (Add), XII. No. 21, and (Add), XXIII. No. 59, pp. 465, 466, A.D. 1566—79.

resolved to be more deeply and deliberately weighed and thoroughly discussed."[153]

The discussion closed by an admission, by Sampson and Humfrey, "of the lawfulness of the garments, though, on account of the inexpediency of them, they declined to use them."[154]

56. This year a translation of Jewel's apology was printed by the archbishop's order, and thereto was added a tract (on "*The manner how the Church of* England *is administered and governed*") by Parker himself. This sets out the number of provinces and dioceses, and that the

"archbishops and bishops have under them their archdeacons, some two, some four, some six, according to the largeness of the dioceses. The which archdeacons keep yearly two visitations, wherein they make diligent inquisition, and search both of the doctrine and behaviour, as well of the ministers as of the people. They punish the offenders, and if any errors or heresies fortune to spring, they bring those and other weighty matters before the bishops themselves."[155]

The object of the treatise was to answer the objections made, that

"nothing is done in order and as ought to be done; that there is no religion at all, no ecclesiastical discipline observed . . . . but that all is done quite out of order and seditiously, and that all antiquity is despised . . . . whereas in very truth we seek nothing else but that God, above all most good, may have still His honour fully and purely reserved unto Him . . . . that the sacraments may be ministered, not like a masquery or stage play, but religiously and reverently according to the rule prescribed unto us by Christ, and after the examples of the holy Fathers which flourished in the primitive church; that that most holy and godly form of discipline, which was commonly used amongst them, may be called home again; . . . and albeit we are not

[153] Strype, Parker, pp. 165—173, and for Guest's answer, App. pp. 54—59; Collier, VI. pp. 394—398.

[154] Collier, VI. p. 398; Strype, Parker, p. 173.

[155] Strype, Parker, pp. 178, 179, App. p. 60; and see Dr. Yale's Collections, p. 97. The archbishop wrote the tract.

yet able to obtain this, that we have said, fully and perfectly (for this same stable, as one may rightly call it of the *Romish Augeas*, cannot so soon be thoroughly cleansed . . .), nevertheless, this is whereunto we have regard, hitherto we tend, to this mark do we direct our pain and travail." [156]

57. A.D. 1565. The failure of the attempt to obtain a voluntary conformity compelled a return to severe measures; but before doing so, Cecil was consulted. The archbishop and the ecclesiastical commission could, no doubt, enforce the Act of the Uniformity by the usual ecclesiastical censures; but to have done so with the order of the "book of articles" staring them in the face, and in the then temper of the court and the council, would have been in vain; and yet to permit disorder was a flagrant neglect of duty. The only way of escape out of the dilemma was for the queen to exercise the power given her in the act, and to authorise, not the whole "book of articles," but so much of them as related to the "apparel" and "ornaments"; [157] and to obtain this sanction, Parker made another effort.

58. On March 12th,[158] he wrote to Cecil, stating his perplexity as to how the whole affair would end; and, after pointing out that his endeavours to enforce the queen's majesty's pleasure had been defeated either by secret aiding, or dulled by the state of the times, he had "stayed upon such advertisements," but had at last, perceiving the hurt the toleration did in every way, now written to the queen

"to try if his 'book of articles' for minister's apparel would find any better success at court than it had done the year before."

And he asked Cecil to use his opportunity, for that

[156] Strype, Parker, App. p. 62.

[157] Ante, n. 149. Parts II. IV. of the "book of articles" related to the "apparel" and the "administration of prayer and sacraments."

[158] The date of the year is not given in the letter, but mention is made of the fact of the framing of the "book of articles" in the "last year." Ante, p. 238, n. 142; Strype, Ann. I. p. 462; Parker, Corr. p. 262; Strype, Parker, p. 212. The letter to the queen was left open and enclosed in the one to Cecil, but no copy of it seems to be known.

"where once this last year certain of us consulted and agreed upon some particularities in apparel, (where the queen's majesty's letters were very general), and for that by statute we be inhibited to set out any constitutions without licence obtained of the prince, I sent them to your honour to be presented, (they could not be allowed then, I cannot tell of what meaning), which I now send again, humbly praying that, if not all, yet so many as be thought good may be returned with some authority, at the least way for particular apparel; or else we shall not be able to do so much as the queen's majesty expecteth for, of us to be done," etc., "saving that I must say this much more, that some lawyers be of opinion that it is hard to proceed to deprivation, having no more warrant but the queen's majesty's only word of mouth, etc."[159]

59. The appeal is said to have been successful,[160] for "now at last upon the late address of our archbishop to the queen and secretary she forthwith issued out her proclamation,[161] publishing

[159] Proceedings against Humfrey and Sampson, the Puritan leaders, and others were now contemplated; the condition of the universities, too, was as bad as that of the church. The archbishop had sent, on February 4th, 1564, letters to the vice-chancellors "containing the queen's majesty's pleasure for uniformity in doctrine, rites, and apparel," when the heads, being called together, declared that at Cambridge at least "all things touching the said three points are in good order save that one in Christ's College and sundry in St. John's will be very hardly brought to wear surplices." But this good order continued but for a brief space, for we read that in December, 1565, some 300 of the younger fellows and scholars of St. John's threw off their surplices, and many "other colleges were ready to follow their example"; whilst later on the proctors set an example of disobedience, going "very disorderly in Cambridge, wearing for the most part their hats and continually very unseemly ruffs at their hands and great 'galligaskens' and 'barreld hose' stuffed with horse-tails, with skabilonions and knit netherstocks too fine for scholars." Lamb, C.C.C. MS. pp. 314, 402; Strype, Ann. I. p. 478.

[160] Collier, VI. p. 419; Strype, Parker, pp. 212, 213, who afterwards writes as if the appeal was made in March, 1566; but it was scarcely likely that the archbishop would proceed against the leaders of the party without some more formal and express authority from the queen herself than mere "word of mouth."

The proclamation mentioned by Strype is not to be found in Dyson, and this fact, added to the way in which Strype, in common with most other writers, mixes up and confuses the "articles" with the "advertisements," throws a doubt, in the opinion of many, upon his statement. Practically it is of little odds whether the one part of the "book of articles" was authorised by the queen, since it was included in the "advertisements" issued by the queen's authority. See App. S.

[161] Neither the archbishop nor the commissioners could make "any constitutions without the king, and the divulging such ordinances by proclamation is a most

her will and pleasure in print, peremptorily requiring uniformity by virtue thereof; so that now the wearing the apparel and obedience to the usages of the church become absolutely enjoined; and that upon pain of deprivation and prohibition of preaching. The queen hereby, by her own authority, confirming and ratifying that Book of *Articles*[162] that he had but a little before sent to the secretary, or at least so much of it as related to apparel."

gracious admonition." Cro. 2 Iac. 37; Moor, 755; Noy. 100. The authorising the "other order" of the "book of articles" by proclamation was, supposing Strype's statement to be correct, merely following the custom in such cases and matters, and the proclamation needed not to be under seal. See the "proclamation for apparel" (for the laity) of February 13th, 1566. Strype, Ann. 1. App. p. 76. King James sanctioned the alterations in the liturgy in 1603 by a proclamation, not under seal. Card. Conf. p. 225.

[162] The "book of articles," as first framed by the primate and the four bishops, differed somewhat from the "advertisements" afterwards issued, as "agreed upon and subscribed by the commissioners in causes ecclesiastical," as we shall hereafter see. The book was mostly a compilation of old matter, and was made up of six parts: 1. The preface. 2. Nine articles for doctrine and preaching. 3. Fourteen articles for administration of prayer and sacraments. 4. Fourteen articles for orders in ecclesiastical policy. 5. Ten articles for outward apparel. 6. Nine protestations to be made and subscribed by all clergymen before admission to any church or ecclesiastical office or place. With some exceptions they had been mostly agreed upon by the bishops and convocation, or both. Ante, pp. 211, 218, n. 66. The preface claimed royal authority for all the rules and orders contained in the book. It ran: "The queen's majesty . . . . hath by assent of the metropolitan, and with certain other her commissioners in causes ecclesiastical, decreed certain rules and orders to be used as hereafter followeth."

The five articles that related to the ornaments of the church and minister were

"In the administration of the communion in cathedral and collegiate churches, the executor, with pistoler and gospeller, minister the same in copes; and at all other prayers to be said at the communion table to have no copes, but surplices."

"That the dean and prebendaries wear a surplice with a silk hood in the quire, and when they preach in the cathedral church to wear their hoods."

"That every minister saying any public prayers, or ministering the sacraments or other rites of the church, shall wear a comely surplice with sleeves, to be provided at the charge of the parish; and that they provide a decent table, standing on a frame, for the communion table."

"That they shall decently cover with carpet, silk, or other decent covering, and with a fair linen cloth, at the time of the ministration, the communion table, and to set the ten commandments on the east wall over the said table."

"That the font be not removed, nor that the curate do baptise in parish churches in any basins, nor in any other form than is already prescribed."

The "advertisements" were the same with but one or two verbal additions and alterations; the three first articles only needed the royal authority to be a taking of "other order" within the statute. See post, note 178.

Upon April 29th, Sampson, Humfrey, and others were summoned before the archbishop and called upon to conform. This they all refused to do.[163]

60. Both were deprived of their places and preferments and confined; Sampson being not only deprived, but imprisoned "by the queen's special commandment, who was very angry with these men," and thought "good to make Sampson an example to the rest."[164] Being thus at little ease, he was fain, on June 3rd, to make petition to the archbishop for relief, who wrote at once to Cecil on the matter.[165]

And not only were these two deprived, but

"other recusants of the habits, and that would not enter bonds to wear the square cap, at that time were silenced and forbad preaching in their places for some months, and remaining incompliant, after the space fixed, were deprived."[166]

But, says Strype,

"notwithstanding those severe orders of the queen, before mentioned, and the prosecution of the same, yet she and her commissioners did dispense or wink at many divines who could not comply, but yet had and retained still dignities in the church."[167]

Humfrey, who was in durance in London for some little time, got leave to go away, and was, later on in the year, presented, by the Bishop of Winchester, to a living in the diocese of Salisbury, but Jewel refused to admit him, pointing out that God was not the author of confusion, and that

[163] Parker, Corr. p. 240; Strype, Parker, pp. 164, 226.

[164] Strype, Parker, p. 186; Collier, IV. p. 405. It was objected that the deanery of Christ Church was a lay thing, and the deprivation *ultra vires* and illegal. In May, 1565, Humfrey wrote to the bishops against the apparel "now ordered to be adopted." St. Pap. Dom. Eliz. (App.) XXXVI. No. 64, A.D. 1547—65. On August 16th, 1565, the Archbishop and Council of York held a sitting, and committed divers for contempt of her majesty's ordinances concerning the administration of divine service and sacraments. St. Pap. Dom. Eliz. (App.) XII. No. 79.

[165] Strype, Parker, pp. 186, 187; Parker, Corr. pp. 243, 244.

[166] Withers was one of these, but he conformed on May 24th. Strype, Parker, pp. 187, 188.

[167] Strype, Parker, p. 188.

diversity in His worship was deformity, and a sufficient cause of deprivation. Jewel not unreasonably concluded that what was a good cause of deprivation was also a sufficient ground of refusal, and that, as it was a bishop's first duty to maintain order, and to eject a notorious and wilful law-breaker, so it was equally his duty to reject him as a presentee.[168]

61. Humfrey, on the other hand, as appears by his letter of December 20th to Jewel, thought differently.[169]

The universities not being so conformable in the matters of "apparel" as could be wished, the queen thought it needful to signify "her mind to the archbishop as to their obedience to the ecclesiastical laws for apparel and the like," and to issue orders therefor. This called forth a protest or letter from some of the heads to Cecil, then chancellor, to stay a pending queen's proclamation "enjoining the habits."[170] Orders were nevertheless issued, directing the wearing of square caps, long gowns, and hoods, or else tippets (if it were lawful to wear one), as their ordinary apparel out of doors, and surplices and hoods at the time of common prayer.[171]

[168] Id. p. 185. Humfrey addressed the queen for a toleration, entreating her to abrogate or suspend her edict for the habits. "Rogamus igitur iterum atque iterum, Elizabetha Princeps, ut edictum tuum vestiarium ac ceremoniale, vel abrogas pie, vel prorogas benigne . . . . decretum publicum non vis rescindere; relaxare potes et remittere. Non potes legem tollere, at poteris tolerare." Strype, Ann. I. App. p. 67, 68. On deprivation, see 5 Rep. 57; Stillingfleet, Ecc. Cas. I. pp. 50—54; Ayliffe, Par. p. 208; Parsons Law, c. XVII.; Degge, c. IX; Godolphin, pp. 270, 271, 306; Steph. Ecc. Stat. p. 39, n. 1.

[169] Strype, Parker, p. 186. Humfrey afterwards conformed. Strype, Ann. I. 472; App. p. 68.

[170] Upon the conflict in the universities, see Collier, VI. 410—413; Strype, Ann. I. pp. 478—484, 519, 520; Parker, pp. 194—199. On November 26th, five heads of colleges addressed Cecil against an "edict or proclamation that was to be issued from her majesty for the enjoining the wearing of the old habits and forcing all members of the university to submit thereto." Strype, Parker, App. p. 69.

[171] Strype, Parker, App. pp. 69—75. The orders for apparel, by the submission drawn up for the Master of St. John's to subscribe, must have been issued at Cambridge some time in November or December. A "notable proclamation," dated February 13th, 1565—6, afterwards regulated the apparel of the laity. "As the queen last year and this took care for the habits of the clergy, so" (says Strype) "she did now for that of her lay subjects." Ann. I. pp. 504, 505.

62. A.D. 1566. This year the condition of the Welsh dioceses was a cause of anxiety, two bishoprics being vacant and the dioceses "much out of order."[172] To fill Bangor, the Lord Pembroke "recommended one Dr. Ellis, that had been aforetime sheriff of the county, but was neither priest nor had a priestly disposition." The archbishop, however, appointed the one he thought the fittest for the place and work. Robinson, who was one of the divines, "called in to consult with the bishop's commissioners about the apparel" being selected for Bangor.

As the proceedings in the case of Sampson and Humfrey seemed to have but little effect in obtaining conformity, other measures were this year decided on; and upon the advice of Cox, bishop of Ely, who said that if the London ministers "were reformed all the rest would follow," it was resolved to again begin with them, for notwithstanding they had been "the last year so spurred up to conformity, many of them were still backward towards it."

63. The archbishop therefore warned Grindal "about this matter, and giving him notice of a session of the ecclesiastical commission at Lambeth, advised him to be there."[173] Grindal's reply, dated January 13th, confessed his inability to obtain conformity single-handed and alone.[174] After consultation had as to the best method of proceeding with the non-conformist clergy, certain resolutions were come to and

On December 8th, we read of articles shewing disorders at St. John's, Mr. Fulke and others "making Robin Hood's pennyworth of their copes and other vestments." On December 17th, Richard Courtesse reports to Cecil the good conformity of the college, and on the 18th the master writes "that he has prevailed on the members of the college to follow the queen's injunctions for wearing surplices." He also asks if common bread may be used for communion. St. Pap. Dom. Eliz. XXXVIII. Nos. 7, 16, 19, A.D. 1547—80. The injunctions of 1559 neither mention nor refer to surplices, so they cannot be the ones meant.

[172] Bangor, we are told, was much out of order, there being no preaching and pensionary concubines openly continued, according to the old Roman use. Strype, Parker, p. 203; Parker, Corr. pp. 257, 258.

[173] Strype, Grindal, p. 104; Parker, p. 216.

[174] Id. p. 104. The reply is dated January 13th, 1566, *anno incunte*, as Strype remarks.

communicated on March 20th by the archbishop to Cecil,[175] whose presence, together with that of the lord keeper and the Marquis of Northampton, the archbishop had good hope of on the morrow, in order to work "a thorough establishment of order."[176] On the 26th, ninety-seven of the London clergy appeared, nine or ten being absent. Of those present, sixty promised conformity but thirty-seven denied. Of these the archbishop wrote to Cecil:[177]

"We did suspend them and sequester their fruits, and from all manner of ministry, with signification that if they would not reconcile themselves within three months, then to be deprived."

64. And, to further "back this step to uniformity," the archbishop revised the book of articles in the hope of getting the queen's sanction for the whole,

"but with some amendments and some omissions of things, that before had given offence, and were the cause, at least pretended, of stopping it, as some matters of doctrine, (this book being only intended for order), and the articles of religion agreed upon in the year 1562 being sufficient for that. And such passages were also omitted as might seem to render the book contrary to the laws of the land. And so, with the queen's letter to him, he had these corrected *Advertisements* printed, but not yet published, till he had sent a copy thereof to the secretary to peruse with his pen."[178]

[175] Strype, Parker, p. 214; Parker, Corr. p. 267; Collier, VI. pp. 419, 420.

[176] Parker, Corr. p. 269.

[177] Id. p. 269; Strype, Grindal, p. 104. Those deprived had the payment of their first fruits remitted. Strype, Parker, pp. 215, 230; Collier, VI. p. 419.

[178] The "advertisements" differed in many respects from the "book of articles." The words in the preface of the "book of articles," "by the assent of the metropolitan, decreed certain rules and orders to be used as hereafter followeth" were struck out, and the clause "by her letters directed .... to be used and followed" substituted. Some ten articles for doctrine, polity, and outward apparel were omitted and several others altered, as a comparison shews. Out of the thirty-eight "articles" and eight "protestations" of which, with the preface, the "advertisements" consisted, only three related to the ornaments of the minister, and so needed the queen's special authority. They ran thus:

"In the ministration of holy communion in cathedral and collegiate churches, the principal minister shall use a cope, with gospeller and epistoler agreeably; and at all other prayers to be said at the communion table to use no copes, but surplices."

He wrote therefore to Cecil, on March 28th, as follows:[179]

"That the dean and prebendaries wear a surplice with a silk hood in the quire, and when they preach in the cathedral or collegiate church to wear their hood."

"That every minister saying any public prayers, or ministering the sacraments or other rites of the church, shall wear a comely surplice with sleeves, to be provided at the charges of the parish; and that the parish provide a decent table, standing on a frame, for a communion table."

Mr. J. Parker, to whose "learned researches" we are indebted for two very interesting volumes on the liturgy, has abundantly proved that the "advertisements" were "issued on the sole authority of the crown," though "drawn up no doubt by the archbishop with the assistance of the other 'commissioners in causes ecclesiastical.'" The "book of articles" first presented was compiled by the metropolitan, aided by four bishops, commissioners, but was never issued at all. The "advertisements" were the "book of articles" revised and amended by the metropolitan and the ecclesiastical commission, for Strype names some of the "others" who signed besides the six given in Wilkins and Cardwell. And we know that they were not only compiled but issued, as Mr. Parker says, "on the sole authority of the crown," for the metropolitan and the commission could only advise the crown, and as to the part in which "other order" was taken, that this had the special authority of the crown, given (if Strype be correct) by a proclamation. Ante, note 160.

Mr. Chambers' remark that "the 'advertisements' of the seventh of Elizabeth, issued 1564 (which, however, had no legal authority whatever, for they never received the signature of the queen, which was necessary to give them legal validity)," is an instance of the mistakes that he, in common with the great body of privy council critics, makes. The "advertisements" were not issued in 1564, and they did not require the signature of the queen to give them validity. Doubtless the queen's signature would have been good and sufficient, but the act did not prescribe the manner of execution by any particular instrument or in any particular way. Had the manner of the execution been defined, it must have been kept to, and the power only exercised in that way; but in the case of a general power, or a power given generally, without defining or prescribing any mode of execution or exercise, any act, deed, or circumstance by or from which the intention of the donee of the power (in this case the queen) to exercise or execute it, may be inferred, is sufficient, though no reference be made to, or notice taken of, the power or its terms. Even if the "other order" were not taken, as Strype says it was, by proclamation, there is no reason to doubt but that the "advertisements" themselves, as sent, for the queen's approval, to Cecil on March 28th, 1566, were then or soon after "issued by the sole authority of the crown." Neither the metropolitan nor the commissioners, either separately or jointly, could issue; they could frame and advise, but could not authorise, and so could not issue or enforce; and if any doubt remained we have only to consider what was done under the "advertisements," and remember that no one at the time ever objected to their validity or authority, but only to their being enforced. See Chambers' Div. Worship, p. 69; Humfrey's Letters, Strype, Parker, p. 217; Ann. I. p. 470; Grindal's Remains, p. 258.

[179] Parker, Corr. p. 271.

"I pray your honour to peruse this draft of letters and the Book of Advertisements with your pen, which I mean to send to my lord of London. This form is but newly printed,[180] and yet stayed till I may hear your advice. I am fully bent to prosecute this order, and to delay no longer; and I have weeded out of these articles all such of doctrine, etc., which peradventure stayed the book from the queen's majesty's approbation, and have put in but things avouchable and, as I take them, against no law of the realm; and where the queen's majesty will needs have me essay with my own authority what I can do for order, I trust I shall not be stayed hereafter, saving that I would pray your honour to have your advice to do that more prudently in this common cause which must needs be done, etc." [181]

65. On the same day copies of the book, approved by Cecil, were sent, with a letter, to Grindal for delivery to the bishops of the province, "to cause the same to be performed in their several jurisdictions and charges," and also to the several deans within the archbishop's own peculiar jurisdictions, to the dean of the arches, and the two commissaries; and so

"these Advertisements came now abroad so well strengthened with authority, and menace of animadversions upon disobedience, and this, with the fresh proceedings against the London ministers, as did mightily awaken and terrify such as would or could not comply." [182]

And at length "these ecclesiastical rules (now called 'Advertisements') recovered their first names of articles and ordinances." [183] We do not meet with the various difficulties

[180] See "Notes" by Lord Selborne, pp. 16, 17.

[181] Strype, Grindal, p. 104; Parker, p. 216; Parker, Corr. p. 272. The "advertisements" were sent to Cecil for the express purpose of obtaining his "advice" and the queen's sanction and approval, all objectionable doctrinal matter being weeded out; and on this approval being given, they became the queen's, and were "issued on the sole authority of the crown," and not on that of the metropolitan or commission.

[182] Strype, Parker, p. 217; Parker, Corr. p. 273. The books must have been forthwith sent to Grindal after Parker had heard Cecil's advice. When the queen's authority was given, whether then or subsequently, does not appear. But by April 28th it must have been obtained, as she had then enforced the order in the province of York.

[183] Id. p. 160.

and criticisms that a lapse of more than three centuries (to say nothing of the ignorance and partiality of critics) has rendered possible. They were, in fact, in the very next year, at the primate's visitation, called "the *Advertisements* of the queen," which they certainly would not have been had they wanted royal authority.

66. The queen was thoroughly in earnest, and it was the council that was backward. Parker, what with the opposition and the hard names given him, was too much discouraged not to have willingly given some toleration, but

> "being the chief superviser of the church, he laboured to bring in an uniform method in the service of God, as tending so much to unity and peace. And when the queen's absolute command was to have these things observed by churchmen, it was his care of his prince's honour that made him so sedulous that her will and pleasure should take place; and this was the conclusion of this effort against the *Puritans* at this time."[184]

67. Humfrey, besides writing to the queen and Cecil, wished parliament to be moved when it met; whilst the non-conformists kept the press actively at work in their defence, and stirred up their friends at court, "and very industrious were their practices there to get this enterprise overthrown." The blame of the whole proceeding being thrown upon the archbishop, the objectors not daring to name either the queen or her secretary of state.[185]

On April 7th, the primate wrote to Cecil to know what chances the Puritans had of success at court; and in another letter of the 12th, pointed out that he had forewarned both the queen and Cecil of the resistance that would be made, and that "these precise folk" would go to prison rather than conform, and that the queen willed him to imprison them.[186]

68. But the efforts to stay the execution of the Advertisements failed of success, for the queen was in such good earnest to have "the ecclesiastical orders" observed all her

[184] Strype, Parker, p. 227.

[185] Id. pp. 220, 219.

[186] Id. pp. 219, 225; Parker, Corr. p. 277.

kingdom over, that she "now willed the Archbishop of York to declare, in his province also, her pleasure determinately to have them take place there." But the council's continued opposition drew from the primate the remark that he trusted that the queen had devised how her pleasure was to be performed, for that he alone and single-handed could not hope to do what the queen wished done.[187]

69. The wilful rejection by the Puritans of "these humane constitutions" whilst seeking to retain their preferments and offices in the church, seems to have had its effect on the bishops and soon after on the council. The bishops,

"how little stress soever they laid upon these observances, and how willing soever they were to have them removed by authority, yet were not at all pleased to see the oppositions and the refractoriness of many against them, when they were once by law enacted, and by the queen's determinate will and pleasure enjoined."[188]

Even Grindal, whose gentleness and, perhaps also, sympathy had gained for him a reputation for want of vigour, saw at last that "these contentions about indifferent things did not edify but divide the churches, and sow discord among brethren," besides striking at the foundations of all order, law, and government; for the bishops said:

"In things indifferent the prince may command and we ought to obey. But this priestly apparel is a thing indifferent. Ergo, in this priestly apparel the prince may command and we ought to obey."[189]

70. On May 4th, we find Grindal writing that "some assistance of the council must be had in the execution of these matters, if ye will have them to take effect;" and on the 21st, he wrote to the Dean and Chapter of St. Paul's, requiring them to call before them

"all and singular the ministers and ecclesiastical persons within your deanery of St. Paul's and office, and to prescribe and enjoin every of

[187] Strype, Parker, p. 226; Parker, Corr. p. 280. Parker's letter to Cecil is dated April 28th.

[188] Strype, Parker, p. 228.

[189] Id. p. 229.

them, upon pain of deprivation, to prepare forthwith and to wear such habit and apparel as is ordained by the queen's majesty's authority expressed in the treatise entitled "the Advertisements," which I send herein enclosed unto you, and in like to enjoin every of them, under the said pain of deprivation, as well to observe the order of ministration in the church with surplice, and in such form as is set forth in the said treatise, as also to require the subscription of every one of them to the said advertisements.[190]

71. And the council, with the assent of the ecclesiastical commission, seeing the style and kind of tracts published by the non-conformist party, thought fit, in the public interest

[190] St. Pap. Dom. Eliz. XXXIX. No. 76. As copies of the book were sent to all the bishops and other dignitaries, deans, etc., the queen's order would be generally enforced. Grindal's letter (written some two months after the receipt of the books) is fatal to the theory that the "advertisements" were not "ordained by the queen's majesty's authority." He could not possibly have written this if that authority were notoriously withheld or wanting. Mr. Parker's view, that the queen did not take other order in the "advertisements," is doubless correct and equally sound with his opinion (in accord with the decision of the Judicial Committee) that the "advertisements" were issued on the sole authority of the crown. But "the authority of the queen's majesty" was all that the statute required, and we know that this was given, both by way of direction at first and of sanction at last. How it was finally given is not material, whether by signature or otherwise. Anyhow, apart from the question of a previous sanction by a proclamation, "the doctrine laid down in the Purchas judgment, that 'if the queen's mandative letter preceded the compilation of the advertisements, and they were afterwards enforced as by her authority, her assent must presumed,' is not inconsistent with any previous decision ever pronounced." Lord Selborne, Notes, p. 29; and see ante, p. 10, n. 22. In such a case the maxim, "omnia praesumunter rite et solemniter acta," applies; and it is for the objectors to prove the contrary. No one at the time had the hardihood to deny, or take exception to, the authority of the book, and yet the objection, if sound, was on the surface, and would have been fatal if that authority had never been given.

Cardwell's remark, that the "advertisements" were not binding in law, because they were not sanctioned under the great seal, is absurd (ante, n. 178), and so is his statement that "the queen refused to put forth with her sanction, though she had required the bishops to draw them up, and afterwards insisted that they should be rigorously enforced"; as though this last fact were not of itself a most convincing proof of an ample authority. He more correctly says that by the synod of 1571, as well as by other synods, they "seem to have been considered as having the most perfect authority." And the clergy of the time were probably as well able to judge of the facts as the critics of some three centuries later. Synod, I. p. 126, note a.; Conf. p. 38, note z.

and to prevent "the keeping open or widening the differences that were now distracting the church," to ordain, on June 29th, that "no one should print any books

"against the force and meaning of any ordinance, prohibition, or commandment contained or to be contained in any the statutes or laws of this realm, or in any injunctions, letters patents, or ordinances passed or set forth, or to be passed or set forth, by the queen's grant, commission, or authority."

For the privy Council did not think it

"convenient by any means that the queen's injunctions and other laws and ordinances made for the regular and uniform worship of God should be thus openly impugned."

At the same time, not to bear too hardly, the queen granted a pardon for the first fruits of the ministers who,

"for not observing and obeying certain ecclesiastical rites and ceremonies by our laws and injunctions appointed, and *for refusing* to wear *such distinct and decent apparel as by public order is commanded*, by due order of law already are deprived and removed." [191]

[191] Strype, Parker, 221, 222; App. 85. The records give no accurate indication of the numbers of the non-conforming clergy. Twenty years after, in 1584, we find that there were, in the province of Canterbury, 786 conformists and 49 non-conformists who were preachers. A return of vacant livings in 1565 shews 454 still unfilled in the thirteen dioceses to which it relates. St. Pap. Dom. Eliz. (Add) XII. No. 79, A.D. 1547—65; Strype, Whitgift, p. 155. Grindal had, on June 4th, written to Cecil to intercede with the queen about the first fruits. Grindal, Remains, p. 287. The non-conformist ministers had put out "a declaration of the doings of those ministers . . . . which have refused to wear the upper apparel and ministering garments of the pope's church." To this "The brief examination . . . of certain ministers in London refusing to wear the apparel prescribed by the laws and orders of the realm" was a reply. See Lord Selborne, Notes, pp. 19—21. The privy council actively interfered. Before May 27th, certain ministers were before them for refusing to wear "crossed caps," whilst five others had, before June 5th, been summoned and deprived for nonconformity. St. Pap. Dom. Eliz. XXXIX. No. 82, and Zur. Let. 2nd ser. p. 119, where a full account is given.

It would seem that Leicester's influence was on the wane in 1565, for Cecil notes the fact in his letters (of August 21st and October 16th) to Sir T. Smith; and in the latter part of 1566 the queen is said to have called Leicester "a thankless fellow, who repaid very ungratefully the favours she had conferred upon him." MS. Simancas, by Spencer Hall, p. 100; Wright's Queen Eliz. I. pp, 206, 208, 209; and see Froude, Hist. VIII. p. 312, ed. 1863. It is plain that in 1566 the

72. In October the queen visited Oxford,[192] and on the 30th, Parliament and, the next day, the Canterbury convocation met. In the last the only business done was the granting a subsidy.[193] As to the former, we have note of a petition "to the queen" dated December 14th, and signed by the two archbishops and thirteen bishops, praying for her majesty's allowance and permission that a bill

"lately passed in your majesty's lower house of parliament concerning uniformity in doctrine and confirmation of certain articles agreed upon by the whole clergy of this your majesty's realm in the late convocation called together by commandment at your majesty's writ accustomed, and thereby holden in the fifth year of your majesty's most happy reign .... by order from your majesty, may be read, examined, and judged by your highness' said upper house with all expedition; and that if it be allowed of, and do pass by order there, it would please your majesty to give your royal assent thereto" .... [194]

The 8 Eliz. c. 1 was, however, passed. This act confirmed the Book of Common Prayer and administration of the sacraments, and also the ordinal annexed to the second book of

tide had turned at court, and the substituted "other order" contained in the "advertisements" was, on the whole, rigidly enforced.

[192] On this occasion the queen, at the public reception of October 9th of the orators, doctors, etc., held out her hand, and as Dr. Humfrey drew near to kiss it, "Mr. Dr.," said the queen, smiling, "that loose gown becomes you mighty well. I wonder your notions should be so narrow." Desider. Cur. Peck. II. p. 276.

[193] Wilk. Conc. IV. p. 251. No record exists of any other business save the subsidy. Strype, Ann. I. p. 534.

[194] Parker, Corr. p. 292, where the address is given in full; St. Pap. Eliz. Dom. XLI. No. 43 (1547—80); Strype, Ann. I. p. 533. The bill had passed in the commons and had been read once in the lords, when it was stayed by the queen's special command. The queen appears to have been very jealous of the initiation of a religious bill by the commons as well as to their taking the lead in ecclesiastical matters. It was probably looked upon as an innovation and an infringement of the supremacy. One member, a Mr. Strickland, who soon afterwards ventured to press the reformation of the prayer book, was called before the council and confined to his house. Parl. Hist. I. p. 766; Parl. and Counc. pp. 217, 221; ante, p. 209, note 63.

The bishops did not seem to have looked upon the articles as "articles of peace," but as a means to establish and confirm all the queen's subjects "in one consent and unity of true doctrine." The obnoxious bill passed a few years later as the 13 Eliz. c. 12.

king Edward VI.; and it declared the consecration of the existing Elizabethan bishops valid.[195]

On December 24th we find Parker applying to Cecil for "the loan of the 'book of articles.'"[196]

73. A.D. 1567. This year the dispute about the habits ended in an open rupture, for now one section of the Puritans withdrew from the church, put the prayer book aside, and held private meetings, using the Genevan service-book, whilst the other "faction" still held communion with the church, but rejected the habits and the prescribed ceremonies. Many were sent by the commission and Cecil into Scotland, but the climate drove them back, and they fell again to holding meetings, which at last attracted the notice of the council, and they were dispersed and the leaders punished, whilst the commissioners' order of January 10th prohibited unlicensed preachers.[197]

74. The taking of the "other order" having rendered the use of the old ornaments illegal, there was no longer any need to retain them. Most of them had been long since destroyed, but now we meet with a letter of Parker's, dated March 5th, to the warden of All Souls', Oxford, for the defacing of superstitious plate, and requiring an inventory thereof, and also of "the number and fashion of their vestments and tunicles, which serve not to use in these days."[198]

[195] Strype, Ann. I. pp. 528—530. The act also contained a clause inserted out of regard to the scruples of the Roman bishops, particularly of Bonner, who had refused the oath of supremacy, and was liable to a *præmunire*. Collier, VI. pp. 428—432; Fuller, Ch. Hist. IX. pp. 80, 81. The "other order," taken under the power contained in the 1 Eliz. c. 2, received hereby a further confirmation, and in all subsequent proclamations and proceedings for uniformity and the enforcing the order of the act as to ornaments, the substituted order contained in the "advertisements" has to be understood. On January 2nd, 1567, parliament and, the next day, both convocations were, by the queen's command and writ, dissolved.

[196] St. Pap. Dom. Eliz. XLI. No. 46 (1547—80).

[197] Strype, Grindal, pp. 114—122; Parker, pp. 241—246; Collier, VI. pp. 432—435; Neal, Purit. I. pp. 145, 152, 153; Grindal, Rem. p. 293; Zur. Let. 1st series, No. 82, p. 201.

[198] Parker, Corr. p. 296; Gutch, Coll. Cur. II. p. 275. If "vestments and tunicles" were still to be lawfully retained and in use, Parker's order is unintelligible.

This was followed, on March 26th, by an order from the queen's commissioners, requiring the warden and fellows in the queen's name to send up at once to London the "divers monuments of superstition, which by public orders and laws of this realm ought to be abolished as derogatory to the state of religion publicly received," and of which a part were set out in the schedule sent.[199]

75. The diocese of Norwich being much out of order, the primate ordered a visitation, and on May 8th inhibited Parkhurst the bishop. On the 16th, the archbishop's mandate went, summoning the bishop to appear, by his proctor, on July 18th before Parker or his vicar-general in the chapter house of the cathedral to undergo a visitation, and requiring him also to summon all exercising any ecclesiastical functions to appear on the days set out in the schedule annexed.[200]

This year, too, the primate visited his own cathedral, issuing therefor nine articles of enquiry.[201]

76. A.D. 1568. In April this year, we meet with "an abstract of the articles to be heard and determined by virtue of the commission for causes ecclesiastical in the province of

[199] Parker, Corr. p. 297; Gutch, II. p. 276. The schedule mentioned mass books, portuises, grailes, antiphoners, processionals, hymnals, psalters, and prick-song books. Four of the fellows were summoned by an order, dated April 19th, to appear forthwith before the ecclesiastical commission. Gutch, II. p. 277; Parker, Corr. p. 300.

[200] Strype, Parker, p. 246. The visitation was made by a commission of three laymen and two clergymen, appointed on June 28th.

[201] Strype, Parker, p. 247; App. p. 88; Wilk. Conc. IV. p. 252; Card. D. A. I. p. 303. Cardwell confounds these articles and this visitation with that of Norwich. The third article and the answer ran as follows: "3. Item, Whether your divine service be used, and your sacraments ministered in manner and form prescribed by the queen's majesty's injunctions, and in no other way?" etc. To this the reply was: "To the third, this respondent saith that their divine service is duly sung in manner and form according to the queen's injunctions; saving that the communion is ministered in a chalice, contrary, as he saith, to the Advertisements of the Queen," etc. Enquiry was also made as to relics, pilgrimages, lightings of candles, kissing, kneeling or ducking to images, prayers in an unknown tongue, the maintenance of purgatory, private masses, trentalls, and other fond fantasies invented by man, without ground of God's word, and not to be tolerated, any more than that any man ought of his private authority to alter the rites and ceremonies publicly used. Art. 6.

York,"[202] and a queen's letter to the primate, dated May 13th, ordered an enquiry into the number of strangers who had come into England.[203] On October 5th, the archbishop presented to the queen, through Cecil, a copy of the bishop's bible.[204] The same month the Bishop of Gloucester was complained of to the privy council and ecclesiastical commission by some of the citizens of Bristol, ostensibly for some sermons he had preached, but really for holding the Real Presence.[205]

77. A.D. 1569. The primate's visitation of Norwich was

[202] St. Pap. Dom. Eliz. (Add.) XIV. No. 10. The clauses, in the old form, relating to masterless men and the restitution of deprived ministers were omitted.

[203] Card. D. A. I. p. 307; Wilk. Conc. IV. p. 254; Strype, Ann. I. p. 568; Collier, VI. pp. 451, 452; Parker, Corr. p. 321. The papal plots and the number of Protestants who fled to escape the cruelties of the Dukes of Alva and Anjou rendered the proclamation needful. The pope encouraged Alva in his barbarities. On August 26th, 1568, Pius V. wrote to congratulate him on his successes against the heretics (*adversus haereticos*), and to convey to him the thanks of the whole church therefor. On December 12th, in reply to a letter of Alva's to him, dated October 22nd, giving an account of the wars he had undertaken for the defence of the catholic faith (variis in bellis, pro veritatis catholicae propugnatione, sedisque apostolicae defensione gestis), and for the sake of religion (et propter justissimas honestissimasque religionis tuendae causas susceptis), the pope expressed his intense satisfaction, and reminded him of the incorruptible crown awaiting such holy triumphs and efforts, for the success of which he gave hearty thanks to God. On April 26th, 1569, he accepted the heretical standards taken by his "most dear son in Christ," the Duke of Anjou, and exhorted him to shew no mercy, nor listen to the supplications of those who interceded for the reformed (sed etiam his, qui tibi scelestissimis hominibus supplicare audebunt, *inexorabilem te praebere*). On February 4th, 1570, the pope wrote to Alva to aid in restoring religion in England, and to assist by arms the pious efforts of the English catholics, to whom, through the papal agent Rudolphus, he had sent as much money as he could spare, as is expressed in the papal letter of February 20th, 1570, to the Duke of Northumberland; he also sent to Alva the hat and sword. Pii V. Epist. pp. 98, 110, 167, 364, 293; Vita Pii V. by Gobau, pp. 63—84, 99—106; Life, by Catena, pp. 112—118; Strype, Ann. I. pp. 571, 580—591; Mem. of Rebell. of 1569, App. p. 319; St. Pap. Dom. Eliz. XXI. No. 46; Collier, VI. pp. 458—465; Laval, III. pp. 231, 289; Fleury, XXXIV. pp. 545, 612; Mezeray, IX. p. 22; Pagius, VI. pp. 644, 659, Thirteen thousand "masterless" men were found in the whole realm, so Strype says, Ann. I. p. 572. See Wright's Q. Eliz. II. p. 248.

[204] Parker, Corr. pp. 334—338; Strype, Parker, p. 272.

[205] Strype, Ann. I. pp. 559—564 (where the articles are given), and Collier, VI. p. 454. Cheny held Bristol *in commendam*.

this year followed by that of the bishop,[206] and on April 26th the queen gave a curious licence for certain games to be used on nine several Sundays for the benefit of a poor man.[207] In June, Parker sat in the Arches, with Cecil and the lord keeper, to try a question of a marriage dispensation.[208]

On November 6th, the laxity of the church discipline and the continued prevalence of disorder called forth a letter to Parker from the privy council, written after conference with the queen, in which she is said to think

> "that universally in the ecclesiastical government the care and diligence that properly belongs to the office of bishops and other ecclesiastical prelates and pastors of this Church of England is of late years so diminished and decayed"

that, according to her majesty's charge, the council had entered into the consideration thereof and of the disorders consequent thereon, and that although they found a concurrency of many causes for the general disorders and contempts, yet there was none more plain and manifest than

> "an universal oversight and negligence (for less we cannot term it) of the bishops of the realm, who have not only peculiar possessions to find, provide, and maintain officers, but have also jurisdictions over all inferior ministers, pastors, and curates, by them to enquire or be informed of this manner of contempts and disorders, and

[206] Parkhurst required the service to be said or sung, and the sacraments to be administered, in "such decent apparel as is appointed by the laws, the queen's majesty's injunctions, and other orders set forth by public authority in that behalf," and a "decent pulpit, a communion table furnished and placed as becometh, with a comely communion cup, with a cover." Roodlofts, images, tabernacles, and all other monuments of idolatry were to be pulled down and defaced, and enquiry was made whether any popish books, images, vestments, or such like, remained anywhere in the parish, and in whose hands. Rit. Com. Rep. II. p. 405. The articles are dated April 15th. They differ in many ways from his 1561 injunctions. Rit. Com. Rep. p. 401.

[207] Wilk. Conc. IV. p. 255; Card. D. A. I. p. 311.

[208] Strype, Parker, p. 277; Parker, Corr. p. 351. Strype speaks of the case coming "before the Arches," but it must have been before the delegates, as neither Cecil nor the lord keeper could otherwise have sat. A question was as to who had the right to give a dispensation, Cecil holding that the queen might do it, in and by virtue of the prerogative and supremacy. Collier, VI. p. 457.

by teaching and correction to reform them; or if the offenders should, for any respect, appear incorrigible, thereof to make a due information to her majesty, as the supreme governor, under God, of the whole realm."

And that whilst some bishops were to be commended, yet the council had decided to notify to all bishops alike the queen's pleasure to have the realm reformed; and they therefore required the primate, in the queen's name, circumspectly, quietly, and prudently to enquire, by "faithful officers and not dissemblers," what persons there were, and of what quality, degree, and name who did not attend church or use the common prayers according to the laws of the realm; what ecclesiastical officers there were who were charged with the execution of the church orders and laws; what preachers there were; what benefices void; and what other disorders there were as mentioned, and so to proceed to reform them, that

"all parties may observe their duties in the public and open service of Almighty God, according to the ordinances and uses that by the common order of the realm is for God's honour established." [209]

78. Soon after the archbishop visited the diocese of Canterbury *jure ordinario*.[210] A royal visitation of King's College

[209] Strype, Parker, pp. 281—283; Parker, Corr. p. 355; Card. D. A. I. p. 315. To the office of the bishop it belongs to maintain order and enforce obedience to the law; and for the performance of this primary public duty he is armed with ample powers, and hath authority "by God's word" and the "ordinances of this realm." The bishop who wilfully neglects this breaks one of his most solemn vows.

[210] The visitation was by commission, the archdeaconries being visited by the archdeacon's official, by order of the commissioners. The statistics of the archdeaconry of Canterbury give 216 churches and chapels; of the clergy 135 were married, 37 were graduates, but only 34 preachers, whilst out of the 11,174 families, 32,986 were communicants. Strype, Parker, p. 285. The visitation articles require the service to be said or sung, without any kind of variation from the order of the laws established, as in 1563, but in the enquiry "whether the holy sacraments" be "ministered reverently, in such manner as by the laws of this realm is appointed," the words "and by the queen's majesty's injunctions and by the advertisements set out by public authority" are inserted after the word "realm." With the exception of the references to the advertisements and the 16th and 18th articles, the enquiries are nearly the same as those of 1563. Ante,

was also entered upon at this time. The Bishop of Lincoln, as visitor, had in 1565 enjoined the provost

"to destroy a great deal of popish stuff, as mass books, legends, couchers and grails, copes, vestments, candlesticks, crosses, pixes, paxes, and the brazen rood."[211]

The provost, however, in hope no doubt of better days, locked the precious "relicks" up in the vestry, and,

"to the great infamy of the college, still kept a great heap of popish pelf, and mass books, legends, couchers, etc., superstitious vestments, candlesticks, crosses, and the very brazen rood; nor would he be persuaded by either private entreaties or public admonition to make them away."[212]

For these and other offences, such as the bad usage of a Mr. Woodward, because

"he would not execute the service at the communion with his face toward the east and his back toward the table according to the manner of the mass, for the denial of which he was like to be expelled, and had been, had not one of the queen's injunctions been his warrant, and one of the conducts so celebrated the communion,"

the commissioners, on February 22nd following, deprived him.[213]

79. A.D. 1570. Dean Nowel's Catechism, which had been approved and subscribed by the convocation of 1563, and had been then sent to Cecil, who kept it for a year and then

p. 219. The "table of degrees" was issued by "public authority." Vaughan, p. 303; ante, p. 214. For the articles, see Wilk. Conc. IV. 257; Card. D. A. I. p. 320.

[211] Strype, Grindal, p. 142. This injunction, if the date be correct, seems to shew that "the vestments" were unlawful in 1565, and if so, "other order" *had* been then taken. Ante, p. 245.

[212] Id. p. 144.

[213] Id. pp. 142—146; Grindal, Remains, p. 307. The provost did not, however, wait for deprivation, but joined his friends at Louvain. Upon the facts, neither the vestments nor the eastward position were then considered legal, otherwise the provost would have probably taken exception to the proceedings of the queen's commissioners as *ultra vires* and unlawful; and he might even have appealed for aid to the hateful and despised civil courts, a course very grateful and acceptable when the ecclesiastical are uncivil and disagreeable.

returned it to Nowel, was now, with some notes upon it, and after it had been corrected according to the notes, printed with the consent of both Parker and Cecil, the two archbishops subscribing it. "So carefully and exactly was it received and corrected to make it a standing summary of the doctrines of this church."[214]

80. Though the court had given up the use of wafer (and were come to the usual) bread, the controversy still continued. Cecil "did not know of any rule passed by law in the communion book, but that it may be such bread as is usually eaten at the table with other meats," etc. Parker, however, was inclined to the use of the wafer-shaped bread, because it was ordered by the injunctions, and he managed to expound the plain words of the rubric satisfactorily to himself and, as he conceived, in accordance with them. What the result was does not appear, but as the court had given up the wafer shape and Cecil held to the rubric, the use of wafer bread probably died out.[215]

81. This year, too, the crucifix is said to have been brought back to the queen's chapel, and some disorders having occurred in the cathedral at Norwich, the queen wrote, on September 25th, to the bishop, requiring him to summon those

"that had in any of the rites of the church, as in the ministration of either of the sacraments or other ceremonies, used any innovation by making alterations in the orders prescribed and established by the statutes and ordinances of the realm, or explained by the queen's injunctions,"

and to command all such, upon pain of deprivation, to forthwith appear before the metropolitan.[216]

[214] Strype, Grindal, p. 301. It was adopted by the University of Oxford in 1579, "for the extirpation of heresies, and the better instruction of young students." Collier, VI. p. 378. See Perry, Lawf. Ch. Orn. p. 236, on the use of pictures and images, as set out in the catechism.

[215] Strype, Parker, pp. 308–310; Parker, Corr. pp. 375, 378, 458, 460, 478; ante, p. 121, n. 127, and p. 205, n. 57; Collier, VI. p. 478.

[216] Strype, Parker, pp. 310, 311. The reason given by the queen was Parkhurst's remissness in maintaining order. The queen's letter supposes the legality of cathedral organs. Parker (Corr. p. 379) calls the crucifix a "cross."

In August, Grindal, who had been appointed archbishop of York, and went to his see on December 26th,[217] issued a commission to his four archdeacons and the Bishop of Man to pull down the "sustentacula" or "rood lofts" as monuments of idolatry and superstition, and a printed copy of the commissioner's "book of orders" of 1561 was annexed for their guidance.[218]

82. A.D. 1571. A parliament being determined on, the council directed the primate and the Lord Cobham to take care that fit persons were chosen for the county of Kent.[219]

On April 2nd and the next day, the two convocations met. In that of Canterbury, upon the election and confirmation (on the 7th) of the prolocutor,

the primate ordered all those of the lower house who had not subscribed to the thirty-nine articles of 1562 to do so forthwith on pain of expulsion.[220] In the third session, on April 23rd, a subsidy was agreed upon, and the Bishop of Gloucester was excommunicated for non-attendance either in person or by proxy.[221] In the fifth

[217] See his letter of August 29th to Cecil, where he speaks of the condition of his province. Remains, p. 325; Strype, Grindal, p. 163.

[218] The retention of the rood screen, the *grande inutilité*, as the Abbe Cochet calls it, is only excusable for the grace and beauty of its form, though it may be of use as an organ loft. It is an innovation of the twelfth century, and was introduced to protect the clergy from the cold and draughts, first of all in cathedral, monastic, and collegiate churches, and afterwards into other churches where clerks were attached. It came in with the extraordinary services, offices for the Virgin, masses for the dead, special feasts, confraternities, recitation of the gradual and penitential psalms, obits, and such like novelties. In all sincerity, but in equal ignorance, a host of Anglo-Catholic writers have urged the "catholic" character and claims of these mediæval novelties, and have wasted much burning zeal against a supposed iconoclasm, forgetting that "in protestant England alone the old fabrics are preserved with religious care," but have generally disappeared on the continent. See Thiers, Diss. Eccl. on the subject, where, as Benedict XIV. says, it is treated exhaustively. Ben. XIV. Inst. Eccl. xxx. § 5, op. x. p. 130. See also Walcott, Ch. and Conv. Ar. p. 96; the Abbe Pascal, Origines, s. v.; Rambler, II. pp. 293, 316, 343, 367, 387, III. pp. 142, 216, 289. As to the "book of orders," ante, p. 215, n. 79, and for its contents, Perry, Lawf. Ch. Or. p. 276. See also Strype, Grindal, p. 164; Grindal's Rem. p. 154.

[219] Parker, Corr. p. 380.

[220] Wilk. Conc. IV. 261; Strype, Parker, p. 318.

[221] The bishop was at Westminster, and had left town without leave. He,

session, May 4th, the bishops sitting in synod, it was resolved by them that, on the articles being fully agreed on, the book should be printed and sold, and a convenient number published in the diocesan synods, and read four times in every year in every parish church.[222] In the sixth session, May 12th, the bishops discussed and agreed upon the articles and also certain canons for the discipline of the clergy.[223] The canons were not formally authorised by the queen, and therefore wanted the force of law; and Grindal, who was notably cautious not to go beyond the law, and had subscribed by proxy, on the receipt of the copy sent to him by the primate, wrote, on August 28th, approving the contents, but doubted whether they had *vigorem legis*.[224]

however, soon after submitted and appeared by proxy, when he was absolved to May 25th, and finally to October 14th. Strype, Parker, pp. 318, 319; Wilk. Conc. IV. pp. 261, 262.

[222] Strype, Parker, p. 319; Wilk. Conc. IV. p. 262.

[223] "Episcopi in coenaculo Lambethano congregati, et de super rebus ecclesiae et libro articulorum de doctrinâ, ut apparuit, secrete, semotis omnibus arbitris, tractarunt." Wilk. Conc. IV. p. 262. For the alterations made in the Thirty-nine Articles by Jewel, see Card. Synod. I. pp. 76—79. See also Strype, Parker, pp. 319, 320.

[224] Grindal's reply was, "I thank your grace for the book of articles and discipline. I stand in doubt whether they have *vigorem legis*, unless they had either been concluded upon in synod and after ratified by her majesty's royal assent, *in scriptis* (for words fly away as wind, and would not serve us if we were impleaded in a case of *præmunire*), or else were confirmed by act of parliament. I like the book very well." Grindal's view was correct. The canons were *ultra vires*. Canons, whether provincial or synodal, could only be made by the bishops in a synod, having the formal assent and licence of the crown to meet, enact, promulge, and execute them. But the bishops and clergy were summoned by the queen's writ, not to a synod, but to a parliament, and for civil purposes only, however the meeting may have been from time to time turned to account in other ways. His caution in rejecting the "Book of Articles and Discipline," whilst personally approving of its contents, contrasts strongly with his ready reception and enforcing of the "Book of Advertisements." It is hardly likely that he would reject the one and accept, and enforce by deprivation, the other, if the advertisements, like the canons, wanted the royal authority. Nor would Grindal have said in plain words that the order expressed in the treatise was ordained by the queen's majesty's authority. In proving doubtful points by circumstantial evidence, it is not enough that there be a fact or facts pointing to and only consistent with the affirmative, but either the same or some other fact or facts should be inconsistent with the negative. Grindal, Remains, p. 327; Strype, Grindal, p. 166; Parker, pp. 321—323; Card. Syn. I. p. 112; Collier, VI. pp. 488—491;

On May 30th, the Canterbury convocation was dissolved.

83. In parliament, by the 13 Eliz. c. 1 & 2, to compass the queen's death, together with many other offences against the crown and the state, was made treason.[225] The 13 Eliz. c. 12 established the thirty-nine articles of 1562 as a standard of doctrine, and required the *ex animo* and *bonâ fide* subscription of the clergy to them. Nothing is said of any revision.[226] An

Wilk. Conc. IV. pp. 263—269; Parker, Corr. p. 382. Strype says Parker laboured in vain to get the queen's authority.

The canons required the bishops to keep a copy of the new bible and of Fox in their houses. In cathedrals the grey amice, "aut alia ulla veste, simili superstitione contaminata," was forbidden, and "tantum linea illa veste (quae adhuc regio mandato retinetur), et scholastica epomide," was to be used. Ministers were to observe the orders of the prayer book without addition or subtraction either in matter or form, and to wear for their everyday apparel that prescribed in the "Book of Advertisements." Bells were to be rung as ordered by the advertisements. "Aeditui diligenter observari curabunt ea omnia, quaeque regiis injunctionibus et in libello admonitionum continentur, quaeque vel ab archiepiscopo, vel ab episcopo in suis cujusque visitationibus ad usum ecclesiarum proponentur." The thirty-nine articles are said to have been agreed upon "ab episcopis in legitima et sancta synodo, jussu atque auctoritate serenissimae Elizabethae convocata et celebrata." Preachers were to use, not the surplice, but "veste quam maxime modesta et gravi, quae deceat atque ornet ministrum Dei, qualis in libello admonitionum descripta est." A form of excommunication was also given. The frequent reference to the advertisements in the matters set out shews, as Cardwell says, that "by this and by other synods they seem to have been considered as having the most perfect authority." Card. Synod, I. pp. 115, 116, 119, 124, 126, 127; Sparrow, pp. 227, 231, 236, 237, 238. Nowel's catechism was also enjoined, and the order of the advertisements as to the communion table and the removal of rood beams and their crosses was insisted on. Id. p. 235.

[225] Pius V. had excommunicated the queen, deprived her of her crown, absolved her subjects from their allegiance, and pronounced her a heretic, and all who remained loyal to be under anathema. The bull was dated February 25th, 1569, and was published by a misguided zealot named Felton. Collier, VI. p. 461; Sanders, De Vis. Mon. pp. 710—714; Catena, pp. 112—118, 309—313; Bull. Rom. p. 1072, Rome, 1586; II. 305, Rome, 1617; Bull. Mag. II. p. 324.

[226] The act seems to have been a consolidation of two others. The speaker dwelt upon the supremacy not only in temporal causes, but in spiritual or ecclesiastical, and in these the crown was absolute; Noy, p. 100; Moore, p. 755; 2 Cro. 97; 5 Rep. i.—xli.

On April 6th, upon the motion of Mr. Strickland, a committee of fifteen for matters of religion was appointed, five of whom were members of the privy council, and the next day two members (Grimston and Strickland) were appointed to "move the lords of the clergy to know their pleasures concerning the motions

attempt was made in parliament to get the *Reformatio Legum* sanctioned by an act, but it failed of success.[227] On May 15th, Grindal visited his province as metropolitan, the diocese being in disorder, and many of the old superstitions remaining.[228]

to be then made in matters of religion." A conference was arranged for the 10th, to meet in the Star Chamber, ten peers and ten bishops, and the commons' committee, with eleven more added. On April 26th, the bill "for the conservation of order and unity in the church" was read twice, and on the 27th a third time, and then sent to the lords, where it was read a first time on April 30th. And now the queen's dislike to the commons' meddling in ecclesiastical matters shewed itself, for at a conference on May 1st, an answer touching the articles of religion was returned "from the lords that the queen's majesty having been made privy to the said articles, liketh very well of them, and mindeth to publish them, and have them executed by the bishops, by direction of her highness' royal authority and supremacy of the Church of England, and not to have the same dealt in by parliament."

On May 3rd, the bill "for ministers of the church to be of sound religion" was sent up by the commons and read a first time in the lords on May 7th, a second time on the 11th, and a third on the 21st, and then sent down to the commons with amendments, which appear to have been agreed to, and on May 23rd it was sent back to the lords. It was in this session that Mr. Strickland was committed to his house. He had brought in a bill to amend the liturgy, but the house resolved not to proceed with it until the queen's pleasure were known. In dissolving the commons the queen, through the lord keeper, administered a sharp rebuke to those who had meddled with matters not pertaining to them and above their understanding, as well as contrary to her express admonitions. It was at this time too that a "young gent" named Thomas Long, who had paid £4 for his seat as M.P. for Westbury, was found too simple to serve. Parl. Hist. 1. pp. 734, 747, 766; Jour. of H. of C. pp. 83, 87; H. of L. pp. 672, 677; D'Ewes, pp. 156, 160, 176, 183, 184.

[227] Strype, Parker, p. 323; Parl. Hist. 1. p. 734.

[228] The maintenance of order and uniformity in a diocese was and should still be secured by the regular visitation of the ordinary, either personally or by his officers, for the bishop is solely responsible for order. Hence, as the visitation was a grave judicial enquiry and an ecclesiastical court, the bishops' articles and injunctions have a special value, being the enquiries and commands of an ecclesiastical judge, presumably framed upon, and in accordance with, the existing law, and are thus so far an authoritative exposition of the lawful order as to rites and ceremonies, and the other general matters to which they relate at the time of issue.

By the injunctions to the clergy we find that the prayers were to be said standing in a pulpit or seat, and the sacraments ministered according to the order of the book of common prayer, the vestment to be used at such times (and at marriages and burials) being a surplice with large sleeves. The communion to be ministered,

84. The puritans, or some of them who would not conform to the lawful and now settled order of the church, insisted on keeping their preferments in it, and (although their licences had been withdrawn) preached and read the service either from the Genevan book or else "mangling the English one" at their will. This conduct at length compelled the queen to interfere.[229]

not in a chalice, but in a communion cup (with a cover) of silver, the cover to be used for the ministration of the bread, and the bread to be placed in the hands, and not the mouth, of the communicant. No rites or ceremonies not appointed in or by the book of common prayer were to be used, nor any elevation or adoration of the sacrament, nor any popish ceremony in baptism. By those for the laity, a decent low-pulpit was to be made and erected in the body of the church for morning and evening prayers to be said from, except the church were small, when the usual stall in the choir was to suffice, and a lectern or desk to be there provided by the churchwardens, the minister to turn his face to the people. The communion prayers to be said at the table, the epistle and gospel (and the commandments when no communion) from the pulpit or stall.

The ornaments to be provided were, all things needful for the service and communion, specially the prayer book, calendar and psalter, the homilies and table of commandments, a convenient pulpit, a communion table on a frame, with a fair linen cloth and a covering of silk or such like, a communion cup with cover for the bread, a decent large surplice with sleeves, with the alms-chest, etc.

The churchwardens were to see the altars taken down and the stones broken, the rood lofts, beams, and boards sold, and a convenient crest put on the cross beam; that all antiphoners, mass books, grailes, portesses, processionals, manuals, legendaries, and such like books, with all vestments, albs, tunicles, stoles, phanons, pixes, paxes, hand bells, sacrying bells, censers, chrismatories, crosses, candlesticks, holy water stocks, fat images (*i.e.* statues and carved images, not painted ones), and such like idolatrous relics, were destroyed; and not to suffer the ringing of bells during service, nor other ringing except as prescribed, upon pain of excommunication and other church censures appointed "by the ecclesiastical laws of this realm." Parl. Hist. I. p. 775; Strype, Parker, p. 454; Grindal, Rem. pp. 123, 124, 132, 133—136, 144; Card. D. A. I. p. 334; Wilk. Conc. IV. p. 269; Rit. Com. Rep. II. pp. 407—415; Collier, VI. p. 491. Mr. Perry is of opinion that Grindal exceeded his powers in ordering the destruction of all vestments and crosses. The royal commissioners, however, did the same thing at Oxford in 1573, a fact that escaped his notice. Perry, p. 259. See post, n. 249.

[229] Without going into the merits of the case, it is clear that the puritan clergy who insisted on retaining their preferments mistook both their rights and duties. It was not the case of the citizen or patriot, who by the mere accident of birth found himself subjected to the tyranny of a despot or a court, or to the evil influence of "bad laws," without any assent or fault of his own; but of men who had of their own free will and accord taken a position and office to which (whilst it had, and conferred, certain rights and privileges), there belonged definite, well

On June 7th, the ecclesiastical commissioners wrote to the churchwardens and others, to whom belonged the duty of keeping order at the time of divine service in the church, as follows :[230]

"We will and require you, and in the queen's majesty's name straitly charge and command you, and every of you, that in no wise ye suffer any person or minister to minister any sacrament, or say any public prayers in any your churches, chapels, or other places appointed for common prayer, in any other order, manner, or sort than only according to the prescription in the book of common prayer and the queen's majesty's law published in that behalf. And that in no wise you suffer any person publicly or privately to teach, read, or preach in any of the said churches, parishes, chapels, private houses, or other places, unless such be licensed to preach, read, or teach by the queen's highness' authority, the Archbishop of Canterbury, or the bishop of the diocese; and that he be such a minister as is licensed to preach after the 1st May last, and not removed from the ministry by us or any other lawful authority."

85. The same week the primate summoned the leading puritans to appear before him and the Bishops of Winchester, Ely, Worcester, and Chichester, all being ecclesiastical commissioners, at Lambeth, in obedience, as it would seem, to the queen's command. Steps also were taken to secure conformity in the province of York, and in July, Johnson, the domestic chaplain to the lord keeper, was suspended for refusing conformity.[231]

understood, and voluntarily accepted obligations and duties. They were parties to a public contract, and had of their own choice subjected themselves to all its terms, and to the control of the public courts of law. The seeking to break or evade it, on a plea of conscience, would prove such a morbid tenderness as would amount to an unfitness to contract, and the insisting upon its execution only as interpreted by themselves, and in accordance with their fancies and uncontrolled wishes, was plainly absurd and wrong, but it shewed how an honest and conscientious, but mistaken, zeal could influence otherwise worthy men.

230 The order was addressed to "all and every the queen's majesty's officers, churchwardens, sidesmen sworn, and others having any government or oversight for the time being of or in any church or chapel or parish within the province of Canterbury." Strype, Parker, p. 325; Parker, Corr. p. 382; Collier, VI. p. 493. See App. T.

231 Strype, Parker, pp. 325—330; Collier, VI. p. 494.

On August 20th, the queen addressed a letter to the archbishop, reminding him that she had required him, as the metropolitan and as the principal person in the ecclesiastical commission,

to have good regard that such uniform order in the divine service and rules of the church might be duly kept, as by the laws in that behalf is provided.... we minding earnestly to have a perfect reformation of all abuses attempting to deform the uniformity prescribed by our laws and injunctions, and that none should be suffered to decline either on the left or on the right hand from a direct line, limited by authority of our said laws and injunctions, do earnestly by our authority royal, will and charge you by all means lawful to proceed herein as you have begun.[232]

This year the Bishop of Norwich refused to admit two presentees, and was put into the archbishop's court therefor;[233] and Cox, the bishop of Ely, is said to have held a visitation.[234]

86. A.D. 1572. Parliament met on May 8th, and the Canterbury convocation on the 9th, but in this last nothing of importance was done.[235] The archbishop, however, opened it by a speech, and in and by virtue of the statute 8 Hen. VI. c. 1, afterwards granted to one Massam, Dean Humfrey's servant, privilege from arrest.[236]

[232] Strype, Parker, p. 330; Parker, Corr. p. 386.

[233] Strype, Parker, pp. 335, 336. It does not appear that the bishop's decision was reversed.

[234] Rit. Com. Rep. II. p. 406; Mr. Parker, Let. p. 62.

[235] The primate made a speech, the text of which has come down to us. He pointed out that convocation (*synodus*) was divided into two houses, the upper and the lower, over the one of which, to prevent confusion, he presided, and the prolocutor over the other; and so, having directed them to choose a speaker, he dismissed the assembly. The prolocutor (Dr. Whitgift) being elected and presented, the Dean of Westminster made his usual protest, and the Bishop of London (in the archbishop's absence) desired the "prolocutor and his two presenters" to choose a committee of the clergy to consider over and prepare reformanda for the consideration of the upper, but nothing ever came of it, for the house was prorogued after several adjournments on July 1st, and did not meet again for business till February 9th, 1575. Nothing seems to have been done at York. Wilk. Conc. IV. pp. 270—272; Card. Syn. II. pp. 532—539; Joyce, Syn. p. 574; Strype, Parker, pp. 396—399; Collier, VI. pp. 507—509, 511.

[236] The 8 Hen. VI. c. 1 provided in 1429, that "the clergy of the convocation

In parliament the lord keeper opened the session by a speech, declaring the matters to be attended to, the one being "matters of religion," the other "matters of policy." As to doctrine,

"if any person admitted or to be admitted . . . shall hereafter, either of arrogancy or ignorance, shew any strange doctrine contrary or varying from that which by common consent of the realm is published, to the breach of unity, that he, by those to whom it appertaineth, sharply and speedily be reformed, all favour and fear set apart."

And as to discipline,

"one of the strong pillars of religion, which doubtless at this time hath two great lacks. The first, the imperfection of laws for the countenance of it. The second imperfection is the slothfulness, corruption, and fearfulness of the ecclesiastical ministers and officers in the due execution of those laws that be good and yet continue, . . . and because the proceedings in matters of discipline and doctrine do chiefly concern my lords the bishops, both for their understanding and ecclesiastical function, therefore the queen's highness looketh that they, being called together here in parliament, should take the chiefest care to consider and consult of these matters; and if in their conference they found it behoofull to have any temporal acts made for the amending and reforming of any of these lacks, that then they will exhibit it here, in parliament, to be considered upon, and so *gladius gladium juvabit* as before time hath been used; foreseeing always that all laws and ordinances for this matter of doctrine and discipline be uniform and so one sort throughout the whole realm."[237]

The act 14 Eliz. c. 7 was passed to prevent the losses to

of the parliament and their servants shall have all such liberties as the lords and commons of parliament." Stat. of Realm, parl. ed. 1810; Rot. Parl. IV. p. 347. It seemed reasonable that the clergy commons should have the same privileges as the lay commons, since both were summoned to parliament by the king's writ. The privilege was granted to the "praelati et clerus antedicti, qui ad convocationem convocati . . . praetextu brevis regii." The *praelati* are here clearly the deans or inferior church dignitaries. Ante, p. 223, n. 107. The lay M.P.s had secured a like privilege in 1404. See Rot. Parl. III. p. 541, § 71; Cotton, Ab. p. 433, § 74; 4 Inst. 24. It had previously been a custom, but was then confirmed by statute. See 5 Hen. IV. c. 6; 11 Hen. VI. c. 11; Joyce, Syn. p. 577.

[237] Parl. Hist. I. pp. 774, 775; D'Ewes, p. 193.

the queen by the deceits of the collectors of the clergy subsidies "appointed by and under the archbishops and bishops of the realm"; and on June 30th, parliament was prorogued.[238]

87. On June 2nd, the Duke of Norfolk was executed, to the queen's great grief.[239] On the 30th, Lord Scrope and the Bishop of Carlisle wrote to Cecil concerning what they had done "on yours and the council's letters for the searching for vestments, copes, etc., concealed."[240] This year, too, subscription to the thirty-nine articles was generally and strictly enforced, and those who refused were deprived, as the act prescribed.[241]

On July 8th, the archbishop announced the completion of "the book of statutes as may concern the cathedral churches newly erected." It was sent to Cecil to peruse and correct and then, a fair copy being made, was to be presented to and signed by the queen.[242] On October 27th, the queen authorised the publication of a form of prayer, necessary for the time and state,[243] and in November the Puritans set up their first presbytery at Wandsworth.[244]

[238] A bill was brought into the commons on May 17th and read a first time, and a second time on the 19th. On the 22nd, the speaker declared her majesty's pleasure "that from henceforth no bills concerning religion shall be preferred or received into this house unless the same shall be first considered and liked by the clergy," and also her wish to see the bills. On the 23rd, Mr. Treasurer reported that the queen had seen the bills and "seemed utterly to mislike of the first bill and of him that brought the same into the house." H. of C. Jour. p. 97; Parl. Hist. I. p. 782; Parl. and Counc. p. 222; Strype, Parker, pp. 393—395; Ann. II. pp. 124, 126, 225; Collier, VI. p. 504; Neal, Hist. I. p. 186; D'Ewes, pp. 213, 214.

[239] St. Pap. Dom. Eliz. XXI. No. 46. At the scaffold he confessed that letters from the pope were brought to him, "the one deciphered I read, the other I saw in cipher; both were touching rebellion."

[240] St. Pap. Dom. Eliz. XXI. No. 65.

[241] Strype, Ann, II. p. 186; Neal, Hist. I. pp. 187, 188; Fuller, Ch. Hist. IX. p. 102. The articles are to be taken in the literal and grammatical sense, and no clergyman is to put his own sense or comment upon them, but to submit to them in their full and plain meaning. King James' Declaration.

[242] Parker, Corr. p. 395; Strype, Parker, p. 342. The book of advertisements would probably be signed by the queen.

[243] Parker, Corr. p. 402; Card. D. A. I. p. 338; Wilk. Conc. IV. p. 272.

[244] Fuller, Ch. Hist. IX. p. 103; Collier, VI. p. 519; Neal, I. p. 198, who says it was the first presbyterian church in England.

88. A.D. 1573. This year more serious attempts were made to enforce uniformity and suppress puritanism. The authors of the "admonition to parliament" had been sent to Newgate,[245] but the book nevertheless went through four editions. It was no longer a question of the habits but of the "calling of bishops" and the whole constitution of the church. Whitgift was set to reply to the book,[246] and so confident were the non-conformists of their cause that they proposed "a public disputation." But the queen cut the matter short, being resolved, if possible, to suppress them.[247] Instead, therefore, of a conference, the dissenters were summoned before the ecclesiastical commissioners, and examined on five articles.[248]

89. On May 5th, we find a royal commission at Oxford, and an order of the commissioners to deface "all monuments of superstition" within Magdalen College.[249] On the 6th, the primate published certain rules for the Court of Arches,[250] and on June 11th, came the royal proclamation against the "admonition" and for uniformity.[251]

[245] Neal, I. pp. 188—190; Strype, Parker, p. 413.

[246] Cartwright replied to Whitgift, who again answered. This not sufficing, the proclamation of June 10th suppressed and called in all copies of the "admonition," but as it would seem without success, for not one book was brought. Strype, Parker, pp. 347, 422, 423; Neal, I. p. 193.

[247] Strype, Parker, p. 412; Collier, VI. p. 523.

[248] Field and Wilcox had been committed to Newgate on October 2nd, 1572, and Dering, a preacher at St. Paul's, had been silenced by the commission. Neal, I. p. 188; Strype, Parker, pp. 381, 412; Collier, VI. pp. 523, 524. The result of the appearance was unfavourable to the puritans. Dering's suspension was continued, three others were forbidden to preach, and four were sent back to prison.

[249] The order ran, "By virtue of the queen's majesty's commission to us directed to will and command you forthwith upon the sight hereof utterly to deface or cause to be defaced, so that they may not hereafter serve to any superstitious purpose, all copes, vestments, albs, missals, books, crosses, and such other idolatrous and superstitious monuments whatsoever." Collect. Cur. by Gutch. II. p. 280. It is plain that if the rubric was still in force and the "other order" not taken, that copes and albs could not have been, what they clearly were, illegal. See ante, n. 198, 228.

[250] Wilk. Conc. IV. p. 273; Strype, Parker, p. (443).

[251] Strype, Ann. II. p. 255; Parker, p. 421; St. Pap. Dom. Eliz. XCI. No. 47.

By July 6th, Dering's suspension was taken off by the privy council, thus overriding the decision of the ecclesiastical commission, but afterwards upon the Bishop of London's complaints to the council, he was, by the queen's command and warrant of council to the bishops, again removed.[252]

90. On September 23rd, Parker, as ordinary and metropolitan, personally visited the church of Canterbury, giving certain injunctions.[253] On the 30th, Parkhurst, the bishop of Norwich, wrote to Parker concerning an abuse of a rood loft, which had not been taken down and had been complained of by one Morley.[254] On October 20th, came another and more stringent proclamation for uniformity. Not only the bishops, but the judges of assize and the justices of the peace were charged and commanded to "put in execution the act for the uniformity of common prayer," and that "with all diligence and severity" all offenders against the orders and rites of the prayer book be deprived, and conventicles suppressed.[255]

[252] Strype says that the Bishop of London was the cause of Dering's suspension being taken off by the privy council, much to the disgust of Parker and the Bishop of Ely, the latter of whom protested, it being done without the consent and advice of spiritual men; or, as Parker said, "our advices never required thereunto." Parker, Corr. p. 434; Strype, Parker, pp. 381, 412, 426, 428, 433; Collier, VI. pp. 524—527; Neal, I. p. 205, where it is said that Dering appealed from the commissioners to the privy council. However this may have been, in the end Cecil bluntly declared his opinion "that if any bishop of any church shall understand that any public reader in his church doth oppugn the common order of the ministry in the church established by law, it is his duty, upon good knowledge thereof, to remove him."

[253] The visitation was continued by commission, and went on into 1574. From the answers given to the articles of enquiry, it appears "they had still remaining a great many old copes, which were to be disposed of as the archbishop thought best." The injunctions and the answers to them are given by Strype, Parker, pp. 443, (444); Card. D. A. I. p. 340; Wilk. Conc. IV. p. 275.

[254] The rood loft was, "in a manner, whole, with the voult or soller and the fore part, with the door and stairs to go up," still left. The bishop said that Morley's objections to it "may well be allowed as being agreeable to the book of advertisements and the canons set forth by authority." The lower part of the rood loft, or chancel screen, seems to have been frequently preserved, but the rood, with the figures of Mary and John, was everywhere destroyed. Strype, Parker, pp. 450, 451; ante, p. 264, n. 218.

[255] The cause of the disorders, the proclamation says, her majesty doth plainly understand to be the negligence of the bishops and other magistrates in "dis-

91. This proclamation was followed on the 28th by a commission of oyer and terminer, empowered to deal with offenders against, and to enforce the provisions of, the Act of Uniformity.[256] The proclamation and commissions were backed, on November 7th, by a letter from the council to the bishops, written in obedience to the queen's command. It pointed out that, in the queen's opinion, the fault of all the diversities and the disorder lay in the bishops' neglect of the paramount duty of their office, to wit, the maintenance of order and obedience to law, for to them, in fact,

"the special care of ecclesiastical matters doth appertain, and who have your visitations episcopal and archdiaconal, and your synods, and such other meetings of the clergy, first and chiefly ordained for that purpose, to keep all churches in your diocese in one uniform and godly order."

And they were charged in the queen's name, either personally or by their archdeacons, to maintain order in every church in their diocese.[257]

92. Parker followed up the letter by one to the Bishop of London, calling his attention to the queen's desire that the order of the "book of common prayer, set forth by public authority and her majesty's injunctions," should be used and observed "without alteration or innovation"; and he required the bishop to forthwith not only make enquiry throughout his own diocese for offenders, but also to publish the letter through the province; all the bishops thereof to certify the names of non-conformists before the feast of the Nativity.[258]

sembling and winking at breaches of the laws it was their first and most special duty to enforce." Card. D. A. I. p. 348; Wilk. Conc. IV. p. 278; Strype, Parker, pp. (446), (447); Ann. II. p. 255.

[256] Seven commissions went. To London and Middlesex, the lord mayor, the lord chief justice, the recorder, the solicitor-general, and ten other laymen, with the Bishop of London and deans Nowel and Goodman. In the six others there were some fifty-five laymen to fourteen dignitaries and clerks. Rymer, XV. p. 724; Strype, Parker, p. (447).

[257] Strype, Parker, p. 454; Card. D. A. I. p. 352; Wilk. Conc. IV. p. 279.

[258] Strype, Parker, pp. 454, 455; Parker, Corr. p. 451. The bishops appear to have summoned their clergy. Two non-conformists were reported in Norwich. In Suffolk twenty-nine more were found, some of whom promised to conform to

The queen's wishes and commands to the justices and commissioners were recited and summarised in a paper to "declare in the Star Chamber," on November 28th.[259]

93. A.D. 1574. Sometime at Christmas, either the last or this year, "a new order of service" was attempted to be introduced into the cathedral at Norwich by one of the clergy, a "busy fellow, that starting up had appointed another order of service than was allowed." The dean, however, both knew and did his duty, and the offender "was therefore worthily committed both for example to others and for avoiding of further inconvenience."[260]

On March 25th, Parker wrote, at the queen's command, to suppress the prophesyings, whilst on May 6th, a privy council order was sent to Norwich to continue them, but, by the primate's letters of the 17th and June 11th, it would seem that his influence finally prevailed.[261] On November 13th,

the order of the "book of common prayer and the queen's injunctions for the celebration of the divine service and the administration of the sacraments." Grindal reported, on December 9th, that in his diocese "the uniform order allowed by the book is universally observed." Remains, p. 347. See also the Bishop of Ely's report, of December 5th, in Strype, Parker, p. 456.

[259] Strype, Parker, p. 456. In the summary, the queen recalls the fact that by authority of parliament she had "caused at several times, since the beginning of her reign, certain injunctions and other orders to be published by advice of her clergy for the uniform government of the church, and for the usage of certain rites in the same;" and as she had given the same in charge to the bishops to see to their due execution, so now she required the commissioners and justices to everywhere cause them to be observed.

Parker, speaking of the eagles in the chancels, "made for lectures," and of fonts, points out that, as to the latter, "order had been taken publicly these seven years by commissioners, *according to the statute*, that fonts should not be removed." Strype, Parker, p. (449). He refers to the "advertisements," where the order was "that the font be not removed." Card. D. A. I. p. 292. See post, § 98.

[260] Strype, Ann. II. p. 327; Collier, VI. p. 537. The bishop wrote approving of the dean's promptness, for that in committing that person who took upon him a new order of service contrary to her majesty's order and book, he had done the queen good service.

[261] Parker, Corr. pp. 456, 457, 459; Strype, Ann. II. pp. 318—324; Collier, VI. p. 537; Wilk. Conc. IV. p. 280; Card. D. A. I. p. 354. In Parker's letters we find reference made to the use of wafer bread. The judge at the last sessions or assize had in his charge mentioned common bread as to be used by authority of the statute as was proper. Hence the archbishop's remarks. Strype, Parker,

Grindal wrote concerning the proceedings of the ecclesiastical commission in the north.[262]

94. A.D. 1575. In the early part of the year, Archbishop Parker visited the diocese of Winchester, in order to enforce conformity and obedience to the law.[263]

On July 15th, two Flemings, anabaptists, named John Peeters and Henry Turwert, were burnt for heresy in Smithfield, who died, says Stow, "in great horror with roaring and crying." They had been tried and sentenced by the delegates appointed by the queen's commission under the great seal, Fox, the martyrologist, pleading earnestly, but in vain, for their lives.[264]

p. 453. In July, 1580, we find the Bishop of Chester enquiring whether wafers or common bread should be used. The privy council replied, "In such parishes as do use the common bread and in others that embrace the wafer, they be severally continued as they are at this present." Desid. Cur. p. 91, XVII. 4. See Overton's order in 1584, that the ordinance in the book of common prayer be henceforth observed and bread only used. Rit. Com. Rep. II. p. 430, § 7, and ante, § 80.

[262] Strype, Grindal, p. 188, App. No. 3; Grindal, Remains, pp. 350, 348. "We are in good quietness both for the civil and ecclesiastical state," Grindal remarks, and only five persons "committed for their obstinacy in papistical religion."

[263] Parker, Corr. p. 477; Strype, Parker, p. 491; Rit. Com. Rep. II. p. 415. His articles require the service to be read and the sacraments to be ministered "in such sort as is set forth by the laws of this realm, the queen's majesty's injunctions and the advertisements, without any kind of variation," and ministers were to observe "the ecclesiastical laws of this realm, the queen's injunctions and other her highness' commandments, orders, decrees, and advertisements set forth for the public administrations of God's holy word and sacraments." The "advertisements" are also said to be "set forth by common authority," and "the queen's majesty's injunctions and other statutes, orders, and advertisements set forth by public authority" were to be well observed. §§ 16, 50, 9, 31, 5. The things requisite for the church and divine service were a bible of the largest size, a prayer-book, the table of the commandments, a communion-board or table on a frame, the advertisements, the table of degrees, a convenient pulpit, a silver communion-cup with cover, a font, a surplice, and such like. Images, altars, shrines, rood lofts, mass-books, and all other such monuments of superstition and idolatry were to be defaced, pulled down, removed, and destroyed. See n. 317.

[264] Twenty-seven Flemings had been taken at nine in the morning at Aldgate and sent to prison. Four of them recanted, bearing faggots at Paul's Cross on May 15th. One man and ten women were tried, on the 21st, in the bishop's court and sentenced to be burnt, but one recanted and the rest were banished. Two appear to have appealed, for on May 11th a commission went to the bishops

95. A.D. 1576. On January 3rd, the *congé d'elire* went for the election of Grindal to the see of Canterbury, to which he had been appointed in December.[265] On February 8th, parliament and, on the 10th, the Canterbury convocation met, Whitgift being still prolocutor.[266]

On the 17th, Grindal took his seat, and the queen's writ for continuing the convocation being read, the usual audience was given to the prolocutor and the committee of members of the lower house, who were ordered to consider of reformanda in church affairs, and commanded to treat of a subsidy. At the third session, February 24th, the book of the subsidy was produced and confirmed. On March 2nd, the prolocutor and committee of five were told that the bishops were conferring on certain important church matters, but, owing to the thin attendance of bishops, the sitting was adjourned to the 17th. On that day Grindal presided, and ordered certain written articles, fifteen in number, to be read through, and upon the assent of the bishops they were subscribed by the upper house, and this done, convocation was prorogued to November 6th.

The articles were sent, on April 20th, to the Bishop of London for publication by the bishops of the province, and in order to their observance and execution by the clergy.[267]

of London and Rochester, the deans of Westminster and St. Paul's, the Master of the Rolls, and two justices of the Common Pleas, and some others, to try them. On July 15th, the queen's writ was issued to the sheriff for their execution after the old Roman and intolerant use and form. See Stow, pp. 1149—1151; Neal, I. p. 223; Collier, VI. p. 543; Strype, Ann. II. p. 380; Fuller, IX. p. 104; Card. D. A. I. pp. 359—361; Wilk. Conc. IV. p. 281, 282; ante, pp. 85, 100. The two who were burnt are said to have previously recanted. See post, n. 304.

[265] Strype, Grindal, p. 192. Sandys, bishop of London, was on March 8th appointed to York. Strype, Ann. p. 422.

[266] The see of Canterbury being vacant, it had been summoned by the Bishop of London, upon letters from the Dean and Chapter of Canterbury, and was prorogued to February 17th, to allow of Grindal presiding.

[267] On March 2nd, "Episcopus London exposuit se et confratres suos habere quaedam ardua negotia tractanda, statum ecclesiae Christi concernentia, super quibus isto die, ratione absentiae reverendissimi et aliorum confratrum, non possent commode tractare. Ideo negotium hoc differebatur in aliud tempus. Post varias deinde continuationes convocatio congregabatur martii 17th, ubi archiepiscopus praesens perlegi mandavit et fecit quosdam articulos in scriptis conceptos; quibus sic lectis, dictus reverendissimus et confratres sui praedicti consensum et assensum suos unanimiter adhibuerunt, necnon nomina sua manibus suis propriis

96. In parliament, on the very first day of the session, a notable speech was made by Peter Wentworth, member for Tregony, on behalf of the liberties of the commons and the right of freedom of speech and debate in religious or other matters to which the queen had an objection. For this offence he was committed to the Tower, after being formally examined by a committee of the house, and only released on March 12th by the queen's wish.[268]

The 18 Eliz. c. 7 took away clergy from offenders in rape and burglary, and from accused clerks.[269]

97. On April 23rd, a new commission for ecclesiastical causes was granted, three to be a quorum. The commis-

subscripserunt." Wilk. Conc. IV. p. 281; Card. Syn. II. pp. 540, I. 132—138; Strype, Grindal, pp. 194—197; Collier, VI. pp. 548—551; Joyce, Syn. p. 580; Lathbury, Hist. p. 184. The convocation of York met only to be prorogued to March 23rd, when the subsidy was agreed to.

The articles were framed and enacted by the bishops only, the clergy having no voice or veto, but only being required to agree to or subscribe to them. They may have been, and probably were, read over to the lower house, but there is no direct evidence of the fact. They were sent round to the bishops to enforce on, and perhaps to be subscribed by, the clergy. The royal assent was given only to thirteen out of the fifteen, but how given, whether, as is probable, by signature (or otherwise), is not known. The thirteen only were published. Strype, Grindal, App. p. 62; Card. Syn. I. p. 135; Wilk. Conc. IV. p. 284; Grindal, Remains, p. 185.

[268] Mr. Wentworth maintained the right of the commons to deal with and discuss matters and bills of religion. He had been one of the commons' committee, and in his speech reminded the house of the fact thus: "I was, amongst others, the last parliament sent unto the Bishop of Canterbury for the articles of religion that then passed this house. He asked us why we did put out of the book the articles for the homilies, consecrating of bishops, and such like. 'Surely, sir,' said I, 'because we were so occupied in other matters that we had no time to examine them how they agreed with the word of God.' 'What,' said he, 'surely you mistook the matter; you will refer yourselves wholly to us therein?' 'No, by the faith I bear to God,' said I, 'we will pass nothing before we understand what it is; for that were to make you popes; make you popes who list,' said I, 'for we will make you none.'" Parl. Hist. I. pp. 783—790, 798, 802; Parl. and Counc. p. 223; D'Ewes, pp. 236—244.

[269] In 1448, in, from a Roman point of view, the good old ante-reformation times, in consideration of a subsidy of six shillings and eightpence in the pound granted to the king by the clergy, a pardon was granted to all religious and secular priests of all felonies of rape done before June 1st in that year. 27 Hen. VI. c. 6; Rot. Parl. V. p. 152, § 25.

sioners were to enforce the provisions of the Act of Uniformity, and to exercise all manner of spiritual and ecclesiastical jurisdiction in cases of errors, heresies, schisms, abuses, offences, and false doctrine, with power to punish and deprive at discretion.[270] In the diocese of Norwich we find one Gawton suspended by the bishop for not wearing the surplice nor observing "the orders of the queen's book,"[271] whilst, on the other hand, one of Grindal's first acts as primate was to remove an inhibition of a clerk by the Bishop of Chichester.[272]

On May 16th, he commenced a metropolitan visitation of his province, inhibiting the bishops meanwhile. For this visitation, general articles of enquiry were prepared.[273]

[270] The commissioners were the primate and nine bishops, with Dr. Whitgift, the deans of St. Paul's, Westminster, and Canterbury, the two secretaries of state, the archbishops, chancellor, and vicar general, the Dean of the Arches, the Master of the Rolls, Manwood, J. (afterwards chief baron), Bromley, S. G., and other civilians and laymen. In cathedral matters six were to be a quorum. Strype, Grindal, p. 208; App. p. 64.

[271] Strype, Ann. II. pp. 448, 449. The queen's book was probably the book of advertisements.

[272] The bishop had inhibited the parson of Brighthelmstone for divers causes. He appealed to the privy council, who referred the case to the primate, who first removed the inhibition, and then, on a second complaint of the diocesan, confirmed it. Strype, Grindal, p. 197; Grindal, Remains, p. 359.

[273] The visitation was by commission, partly by the archbishop's officers and the bishop of the see or by other commissioners. The articles for cathedrals are given in Grindal, Remains, pp. 178—184; in Card. D. A. I. p. 362; and Wilk. Conc. IV. p. 286. Those for the dioceses in the Remains, p. 157. See Strype, Grindal, pp. 210—215, 256; Collier, VI. p. 552. Altars were to be taken down and clean removed, the rood lofts (not the screen) to be taken down and altered, all mass and other Latin service books, vestments, albs, tunicles, stoles, phanons, pixes, handbells, sacrying bells, censers, crosses, candlesticks, holy water stoups, images, and other such monuments and relics of superstition and idolatry were to be destroyed, defaced, broken, and abolished. The cope was not to be worn in any parish church or chapel, and no rites, gestures, nor ceremonies not appointed by the book of common prayer were to be used.

There is no ground for supposing that Grindal in these articles was "trying to supersede the existing law." The statement could only be made in profound ignorance of the real facts of the case and of the effect of the legislation of the time. Grindal was, like everyone else, liable to error and mistakes, but he was able, honest, and conscientious. It was one thing to enforce a part only of the

98. On June 20th, the privy council dealt with and allowed certain proposed reforms and alterations in the matter of dispensations.[274] Soon after, or about this time, began the conflict between the queen and Grindal on the question of the "prophesyings," the mischiefs of which he laboured to reform.[275] On November 7th, he sought to remedy the abuse of inhibition from his own courts to inferior ones.[276] On December 1st, injunctions were given to the Dean and Chapter of Gloucester. They were required

"to use those hoods, that habit, and those caps which it becomes ecclesiastical persons to use, and not oppose the queen's majesty's injunctions or ordinations or articles, made by certain of the queen's commissioners, viz. Mathew, archbishop of Canterbury, Edmund, bishop of London, Richard, bishop of Ely, Edmund, bishop of Rochester, Robert, bishop of Winton, Nicholas, bishop of Lincoln, January 25th, in the seventh year of the queen." [277]

On December 13th, the privy council signified to the primate the queen's pleasure that the Ember Days and Lent should be strictly observed,[278] and on December

law, another thing to try "to supersede" it by a law of his own. Grindal's forbearance might have prompted him, personally, to do the one (not that he did it); but to have done the other, to have ordered the destruction of altars, roods, copes, albs, tunicles, stoles, and vestments, knowing, as he must and would, that all or some of them were lawful and ordered by the rubric and the statute, and had never been done away with by lawful authority, is to credit him with a simplicity, ignorance, and fatuity he certainly did not possess. Collier remarks on his articles that "the reader may perceive that he was no negligent governor, nor yet a person of latitude and indifference for the ceremonies of the church." And speaking of the prophesyings and the conflict with the queen, he adds, "Grindal, to give him his due, was a prelate of more conscience and courage than to be dazzled with the lustre of a court . . . . He writes like a subject in the state and a governor in the church, and takes care neither to forget her majesty nor himself." Collier, VI. pp. 555, 557, 565; Perry, Lawf. Ch. Orn. p. 286.

[274] Strype, Grindal, pp. 203, 218.

[275] Id. p. 220; Remains, p. 373; Wilk. Conc. IV. p. 287; Card. D. A. I. p. 367; Collier, VI. p. 555; Fuller, IX. pp. 121—131.

[276] Grindal, Remains, p. 361; Strype, Grindal, pp. 203—209, 218.

[277] Strype, Grindal, p. 212; Park. p. 160. The advertisements are referred to.

[278] Strype, Grindal, p. 226; Collier, VI. pp. 565, 566; Wilk. Conc. IV. p. 288; Card. D. A. I. p. 370. The archbishop sent the letter on December 21st to the Bishop of London to distribute in the province. Strype, Grindal, p. 227.

20th, Grindal addressed the queen on the subject of prophesyings.[279]

99. A.D. 1577. In April the queen wrote to Whitgift direct, ordering him to suppress prophesyings;[280] and on May 7th, a circular letter to all the bishops went to the same effect.[281] Upon Grindal's refusal to obey the queen's commands, the privy council sequestered his jurisdiction, and confined him to his house for six months.[282] At the end of that time, Cecil sent a private and kindly message to him, giving advice and directions;[283] but although the archbishop made his submission on November 30th, the sequestration was not removed, and he continued in disgrace till 1582.[284] On December 17th, Aylmer, bishop of London, visited his diocese.[285]

100. A.D. 1578. The sequestration *ab officio* not being thought sufficient, it was now proposed to deprive Grindal; but this being set aside, the queen and the privy council nominated the ecclesiastical judges or officials of his courts.[286] This year Archbishop Sandys visited his province; his articles agree in their requirements as to rites, ceremonies, and ornaments with those of Cox, Grindal, Parker, and Aylmer.[287] A commission, dated May 14th, was issued by the queen to visit the cathedral church of Durham.[288]

[279] Grindal, Remains, p. 376; Fuller, IX. p. 123; Collier, VI. pp. 557—565.

[280] Strype, Whitgift, p. 81; Wilk. Conc. IV. p. 290; Card. D. A. I. p. 379.

[281] Wilk. Conc. IV. p. 289; Card. D. A. I. p. 373. A special letter was also afterwards sent to the Bishop of Lincoln. Strype, Ann. II. p. 486; Grindal, p. 231.

[282] Id. p. 231.

[283] This would appear to have been about November 26th. See Remains, p. 395; Strype, Grindal, p. 234.

[284] Remains, pp. 392, 400; Card. D. A. I. p. 377; Wilk. Conc. IV. p. 289.

[285] His visitation articles are much the same as Grindal's, the first twenty being almost identical, so that he, too, must have been "trying to supersede the existing law." Rit. Com. Rep. II. p. 418; Strype, Aylmer, p. 29.

[286] Strype, Grindal, pp. 239, 241. The archbishop, however, made the appointments.

[287] Rit. Com. Rep. II. p. 421.

[288] Strype, Ann. II. p. 521. The object was to determine certain matters

101. A.D. 1579. Many puritan ministers now, it would seem, took livings, but only preached. This called forth, on January 17th, a privy council mandate to Grindal to compel all such to execute the duties of their office, and to send the untractable ones up to the council to be dealt with.[289]

102. A.D. 1580. A shock of earthquake happening on April 6th, the privy council, on the 23rd, sanctioned and directed the use of a form of prayer prepared by Grindal in all the dioceses of the realm.[290] On June 18th, it was followed by an order of the council, enforcing attendance at church and ordering the ejection of unfit schoolmasters.[291] On October 3rd, came a royal proclamation "against the sectaries of the Family of Love."[292]

103. A.D. 1581. On January 16th, parliament and, on the 17th, the Canterbury convocation met.

The Bishop of London presided by virtue of a commission from Grindal. There was no sermon, but the prolocutor being appointed, the bishops treated (by and among themselves) of the matters requiring reformation in the church.[293] At their next meeting in the chapter house, on January 27th, the Bishop of London produced a letter from the privy council concerning the sectaries of the Family of Love, which was read and (together with the question of how recusants were to be dealt with) discussed. The debate over, the prolocutor and the committee of six members of the lower house was sent for, and the council's letter, with the bishop's proposals for

affecting Whittingham, the dean. The commissioners were the archbishop, the bishops of Durham and Carlisle, the Dean of York, the lords Huntingdon and Evers, two knights, two doctors of law, with others, presumably civilians.

[289] Wilk. Conc. IV. p. 292; Card. D. A. I. p. 385; Strype, Grindal, p. 244; Ann. II. p. 585, where it appears the orders were carried out upon a letter from the queen as well as from the council; see also Strype's Aylmer, pp. 65—68.

[290] Stow, p. 1163; Strype, Grindal, p. 248; Aylmer, p. 78.

[291] Strype, Grindal, p. 254; Card. D. A. I. p. 393; Wilk. Conc. IV. p. 296; Collier, VI. p. 606.

[292] Card. D. A. I. p. 396; Wilk. Conc. IV. p. 297. See also the articles sent by the privy council to Aylmer to enforce. Strype, Aylmer, p. 81.

[293] "Dominus locumtenens, et confratres sui tractatum aliquem habebant inter se de quibusdam in ecclesiâ reformandis." Wilk. Conc. IV. p. 292.

a reformation, was delivered to him, with a command to deliberate on the manner and form of the clergy subsidy.[294]

On February 3rd, the prolocutor and four others appeared before the bishops, and discussed for a time the bishop's articles against the new sect. In the afternoon session the bishops met and considered the articles agreed upon in the synod of 1575, drafting certain chapters for confirmation by parliament. On the 17th, the subsidy was confirmed, and no further business seems to have been done (save the drawing up of the addresses to the queen for Grindal's restitution), the convocation being prorogued on March 20th.[295]

104. In parliament a motion by Mr. Wentworth for a public fast and for daily preaching was carried by 115 to 110, but the queen misliking the proceeding, the house apologised and submitted, her majesty graciously accepting thereof.[296] The passing of the 23 Eliz. c. 1 was followed up by a letter, May 28th, from the council to the archbishop, who, in obedience thereto, sent round a letter of his own with seven articles of enquiry, a copy of the council's orders going therewith.[297] The Bishop of Exeter, sometime in this year, deprived Anthony Randal, parson of Lydford, for heresy.[298]

[294] Wilk. Conc. IV. p. 292.

[295] The address to the queen was drawn up by Matthew, the dean of Christ Church, on behalf of the lower house, the bishops framing one of their own. The articles drawn out by the bishops seem to have been presented to and agreed upon by the House of Commons. See Wilk. Conc. IV. pp. 292—295, 299; Strype, Ann. II. p. 628; Grindal, p. 258; Fuller, IX. p. 119; Collier, VI. p. 602. The subjects of excommunication and penance are said to have been also considered, Grindal drawing up a paper and prescribing a form of penance. Strype, Grindal, pp. 259—262; Wilk. Conc. IV. p. 298; Remains, pp. 451—457. The only business done at York was the granting the subsidy. Wilk. Conc. IV. p. 301.

[296] Mr. Paul Wentworth was brother to Mr. Peter Wentworth, M.P. for Tregony. The reason given by the vice-chamberlain for the queen's objection was that for the house to indite a form of a public fast without order and without her privity "was to intrude upon her authority ecclesiastical." Parl. Hist. I. pp. 811, 814; Collier, VI. p. 600; D'Ewes, pp. 282—284.

[297] The letter was to search for recusants, mass-sayers, and hearers, and to see that there were no unlicensed schoolmasters. Strype, Grindal, pp. 264—266; Wilk. Conc. IV. p. 301; Card. D. A. I. p. 400; Collier, VI. p. 601.

[298] Strype, Ann. III. p. 22. Randal appealed to the arches, and thence to the delegates, but without success. See the bishop's letter to Cecil. Ellis, IV. p. 34, 3rd ser., and post, n. 352.

105. A.D. 1582. Grindal appears to have now both made his submission to the queen and been restored to the exercise of his jurisdiction ;[299] and on April 6th, fresh letters were sent to him by the privy council, requiring him to make further search for recusants.[300]

106. A.D. 1583. Grindal's resignation being desired by the queen, he wrote, in January, to tender it, and in April sent in to Cecil a draft form,[301] but his death in July prevented the design being carried out. We, however, find him acting in the dispute between the Bishop of Lichfield and his chancellor, and, on January 20th, issuing a commission in his own name to visit the diocese.[302] On June 21st, Aylmer visited his diocese, when a general subscription by the clergy was again required.[303]

On September 17th, one John Lewes was burnt alive at Norwich for denying the divinity of Christ.[304] On the 23rd,

[299] The archbishop was summoned before the council, and the cause of her majesty's displeasure stated. Grindal, Remains, pp. 471, 400; Collier, VI. p. 628; Strype, Grindal, pp. 271, 272.

[300] Strype, Grindal, p. 269; Remains, pp. 428, 429.

[301] Remains, pp. 397, 398, 402; Strype, Grindal, pp. 277, 285.

[302] The case had been referred, on appeal to the privy council, to the archbishop. Strype, Ann. III. pp. 91—95; Whitgift, pp. 99—105; Grindal, p. 272.

[303] Strype, Aylmer, p. 106.

[304] Stow, p. 1175; Fuller, IX. p. 169. He would have been tried and sentenced by the bishop, who already had, in consistory, on April 13th, 1579, condemned Matthew Hamont, a ploughwright, for heresy, for which he was burnt on May 13th following, his ears being first cut off for abuse of the queen and privy council. Collier, VI. p. 599. In February, 1589, Francis Ket, a master of arts, was "convented" before the Bishop of Norwich for heresy, and burnt. In March, 1611, Bartholomew Legate "was convented for Arianism" before King, the bishop of London, sitting in the consistory at St. Paul's, and being convicted of heresy, the writ *de haeretico* issued on the bishop's *significavit*, and he was forthwith burnt at Smithfield. And the next month Edward Wightman, convicted of heresy by the Bishop of Lichfield, was sentenced and burnt as an obstinate heretic at Lichfield. In Legate's case there seems to have been a doubt as to whether the writ could go. Coke rightly said, "No," but the chief justice, the chief baron, with two other judges certified the king that it could. The certificate appears to have relied on precedent rather than law, for, the common law knowing no such writ and the statutes being repealed, the writ, such as it was, was gone with the system that had invented it. Stow, p. 1261; Collier, VII. p. 380; Fuller, X. p. 64;

Whitgift was confirmed as Grindal's successor, being charged by the queen with the restoration of order and discipline in the church and the enforcing obedience to the law, which, "through the connivance of some prelates, the obstinacy of the puritans, and the power of some noblemen was," said the queen, "run out of square."[305]

107. Whitgift lost no time in carrying out the wishes of the queen in enforcing uniformity and obedience to the lawful church order. Twelve articles were drawn up, agreed upon, and signed by himself and eight bishops of his province; the queen also gave her "most gracious assent and allowance to them."[306] On October 19th, he sent them round, with

3 Inst. p. 40; Hale, P. of C. I. pp. 395, 405; Comyn, Dig. pp. 328, 329; 12 Rep. 57, 93. Before the pretended statute 2 Hen. IV. c. 15, there was no law in England punishing heresy, or difference of opinion in matters of religion, with death. It was not a capital offence. The penalty was sacerdotal, being imported from the Roman canon law, which in its turn had embodied, continued, sanctioned, and, wherever it gained sway, enforced in an intense degree, and to the eternal shame of a so-called Christian church, the barbarous decrees and punishments of the codes of Theodosius and Justinian. See ante, p. 110, n. 91; p. 228, n. 132; p. 116, n. 107; and App. Q. All doubts as to the writ were finally set at rest in 1676 by the 29 Car. II. c. 9 taking it away, but saving "the jurisdiction of protestant archbishops and bishops" in cases of "atheism, blasphemy, heresy, and schism."

There was no appeal to the delegates in either case. In that of Legate the king himself interfered before his conviction with a view to "his conversion," but all efforts failing he was tried and executed. Wightman had maintained his opinions before the ecclesiastical commissioners, but that was all, for no appeal lay from the bishop to them. His seems to have been a case of lunacy, for he said that he was the Elijah foretold by the prophet. Neal, I. p. 456, where the writ for burning Legate is given. They were the last executions for heresy, for the "Spanish Arian," of whom Fuller speaks, that was condemned, died in prison. The last death by burning was that of a woman at Ilchester on May 8th, 1765, for poisoning her husband.

[305] Neal, I. p. 260.

[306] Strype, Whit. pp. 115—117; Card. D. A. I. p. 411; Wilk. Conc. IV. p. 307; Collier, VII. p. 1; Neal, I. pp. 260—262. The articles were not new, and the three chiefly objected to were in accordance with the law as it stood, whatever doubt there may have been as to the power to require subscription to them. They were in fact affirmed and renewed in Canon 36 of 1604. The articles appear to have been drawn in October, by what appears to be the original draft, given in Lord Selborne's Notes, p. 75. The draft contained a note on the article which mentioned the advertisements. "The article is warranted both by the advertise-

a letter, to the bishops to cause them to be put in execution in their dioceses and jurisdiction, and to certify to that effect.[307] Their publication "forms an important epoch in the history of the church." They required, amongst other things,

IV. That all preachers and others in ecclesiastical orders do at all times wear and use such kind of apparel[308] as is prescribed unto them by the book of advertisements and her majesty's injunctions *anno primo*.

VI. None to preach, or minister, or execute any ecclesiastical function unless he consented and subscribed before the ordinary to the "Three Articles" relating

1. To the queen's supremacy.

2. To the use of the common prayer and the forms therein prescribed.

3. To the thirty-nine articles of 1562.

108. On November 30th, ten articles of inquiry were sent by the privy council to the archbishop to be put in force,[309] and were, on December 12th, forwarded by Whitgift to the Bishop of London for distribution amongst the other bishops of the province.[310] On the 6th, eight clergymen, who were suspended *ab officio* for refusing to subscribe to the book of common prayer, appeared before Whitgift and three other bishops, and explained that the reason of their non-conformity was "that there were several passages in the rubric which they desired to be explained." On having their scruples

ments set out by her majesty's authority and also by the queen's injunctions, *anno primo Elizab.*" St. Pap. Dom. Eliz. p. 163, No. 31; Lord Selborne, Notes, pp. 77, 25. The "Three Articles" were those set out under Art. VI.

[307] Strype, Whit. pp. 117—119; Wilk. Conc. IV. p. 303; Card. D. A. I. p. 404.

[308] This relates to the every-day apparel only. The thirtieth injunction of 1559 dealt with the ordinary dress of the clergy and members of the universities, the gown, square cap, and tippet or stole. The injunctions contain no direction as to the ornaments or dress of the officiating minister. The advertisements regulate both the ordinary and "outward apparel" of the clergy as well as the dress of the minister.

[309] Strype, Whit. p. 119.

[310] Id. p. 120; Wilk. Conc. IV. p. 303; Card. D. A. I. p. 407.

satisfied, they all subscribed.[311] On December 9th, an ecclesiastical commission was issued, in order to enforce the Act of Uniformity and punish offences against its provisions, either by church censures or, on conviction by a jury, by fine and imprisonment as the act directed.[312]

[311] The "ornaments rubric" was not one of them. Whitgift, however, says, in his defence of the answer to the second admonition, that some of the puritans "note certain contrarieties in this church, as between the communion book and injunctions, touching wafers; the communion book and advertisements concerning church vestures; the canons and the pontifical in not ordering of ministers *sine titulo*; and such like matters of no importance. . . But in these same matters they are much deceived; for, as I suppose, in matters of ornaments of the church and of the ministers thereof, the queen's majesty, together with the archbishop or the commissioners in causes ecclesiastical, have authority by act of parliament to alter and appoint such rites and ceremonies as shall from time to time be thought to them most convenient." And he held the authority of the magistrates to appoint in such matters unquestionable, so that it be not repugnant to the word of God, "except you will make this the question, whether in such matters we ought to be directed by the magistrates and governors of the church or by every private pastor in his several charge." It is clear that Whitgift held that "other order" had been lawfully taken, nor did Cartwright object that it had not, but only to a supposed apparent conflict of laws. Works, III. p. 510; Park. Soc. p. 1853. Speaking of the "book of ordering ministers now used," he says "there is neither required alb, surplice, vestment, nor pastoral staff." p. 473; Collier, VII. p. 19; Strype, Whit. pp. 129, 130, 143; Neal, I. p. 263. Under the proviso of the Elizabethan Act of Uniformity the queen, with the archbishop, may still take further order in matters of ceremonies or rites.

[312] Strype gives no list of the members, but sets out their jurisdiction and powers in matters of heresy and non-conformity. Ann. III. p. 180; Whit. pp. 134, 135. Speaking of this commission, Hallam says it consisted of forty-four commissioners, twelve of whom were bishops, many more privy councillors, and the rest either clergymen or civilians. Const. Hist. I. p. 200. Three were to be a quorum.

We meet with others; one of June 16th, 1596, for the diocese of Winchester, sixteen laymen and nine ecclesiastics. Another, for the same diocese, dated October 10th, 1597, had two lay and two clerical members added. That of November 24th, 1599, for the province of York, had seventy-five laymen to fifty-five clerical members. The high commission of February 3rd, 1601, had twenty-nine lay and twenty-five clerical members. That for the diocese of Winchester, August 26th, 1603, had an equal number of laymen and clerks. It was addressed to the primate, the lord high admiral, and others; and they were to enquire *circa haeresim et alias offensiones*. One went on September 11th, 1604, to Lords Bath, Pembroke, and Devonshire, with the Bishop of Exeter and others, "to exercise ecclesiastical authority in the diocese of Exeter." A like commission, for the diocese of Chester, went on March 22nd, 1605 to the lord chancellor,

109. A.D. 1584. In this year Whitgift began, or continued, his metropolitan visitation, that he might as

"early as possible apply some remedy to the neglects of ministers in the observance of the laws and customs of the church, and to reduce them to better obedience and compliance therewith." [313]

In this endeavour he was supported by Aylmer, bishop of London, who came, says Neal, "not behind his metropolitan in acts of severity," whilst Sandys, archbishop of York, was no less active "in his province." [314]

Assent to the three articles was especially pressed, all the ministers everywhere being called upon to subscribe on pain of suspension or deprivation. Very many refused, and were forthwith suspended, some being sent for trial to the assizes.[315]

the Archbishop of York, and others. By a third, of May 9th, the primate, the lord high admiral, and others, were appointed commissioners "to hear and determine ecclesiastical causes in the diocese of Winchester." A fourth, dated July 1st, 1608, empowered the primate, the lord chancellor, and others to exercise jurisdiction against Jesuits, "and to reform all heresy and schism in England." That of April 29th, 1620, which had power to deal with "all and singular apostacies, heresies, great errors of faith and religion," as well as to seize "all massing stuff, relics, or other like superstitious things," had some fifty-four lay to thirty-three clerical members, whilst the one, of the same year, for the province of York, counted thirty-nine lay and fifty clerical. That of January 21st, 1625, had fifty-nine laymen and forty-five clergymen, and the one for York of July 1st consisted of thirty-six laymen to seventy clergymen. The general one of February 15th, 1626, contained some fifty lay and forty-six clerical members. That for York, of August 15th, 1627, had thirty-two laymen (in addition to the "councell in fee or ordinary in the north for the time being," and the judges of assize) to seventy-eight clergymen. On December 17th, 1633, a special commission went to sixty-two laymen and forty-five clergy. Finally, the 16 Car. I. c. 11 took away, in 1640, the high commission court, for the reason given by Ayliffe. Parerg. p. [192]; see Rymer, XVI. pp. 291, 324, 386, 400, 546; St. Pap. Dom. James I. IX. No. 34; XIII. No. 30; XIV. No. 3; XXXV. No. 1; Rymer, XVII. pp. 200, 258, 648; XVIII. pp. 124, 930; XIX. p. 487.

[313] Strype, Whit. pp. 123, 131, 216. The visitors were civilians and divines, with sometimes the bishop.

[314] Neal, I. pp. 281, 316. Neal says that Aylmer, at his first visitation, suspended thirty-eight clergy in Essex for not using the surplice. Strype, Ann. III. p. 227.

[315] Whitgift himself summoned some nineteen ministers of Kent, and, on their refusing to sign the articles, he at once suspended them. In Norfolk sixty-four, in Suffolk sixty, in Sussex about thirty, in Essex thirty-eight, in Lincolnshire

On February 4th, Whitgift gave an account of his proceedings with the Kent non-conformist ministers in a letter to the privy council, defending the subscription to the Three Articles, and pointing out that out of over threescore preachers in his diocese only ten had refused; and it was the same in the other dioceses, Norwich excepted.[816]

110. On February 7th, the primate commissioned a layman and a clerk to visit and exercise episcopal jurisdiction in the diocese of Norwich. The visitation articles shew Whitgift's decision "in all the points resisted at this time by the puritans."[817] In April, the Three Articles are said to have

twenty-one, besides numbers in the other dioceses and counties, are said to have been suspended for non-conformity, whilst forty-nine were deprived. Strype, Whit. pp. 123—129, 152—159; Neal, I. pp. 263—303. In the 9285 parishes there were said to be, in 1586, 2000 preachers; but Whitgift sums up only 835 preachers in his province of 8200 churches or parishes, and of these only forty-nine refused subscription, so that the bulk of the non-conformists must have consisted of the non-preaching but beneficed clergy and curates. If we put the parishes of the province of York at 1100, there would be, taking the Canterbury proportions as a test, a dozen non-conformists, preachers. The bishops, in their answer to the articles presented to parliament, speak of 18,000 benefices in England, but this must be a mistake. Strype, Whit. pp. 155, 156; Card. D. A. I. p. 432. If the suspensions in Norfolk and Suffolk be taken as a guide, where there were 124 ministers suspended in 1121 parishes, we should have about a tenth of the parochial clergy suspended or deprived. Neal, however, says that one-third part "were covered with a cloud of suspensions." I. p. 311.

[816] Strype, Whit. p. 127.

[817] If the articles are any test, Whitgift too, like Grindal, was "really trying to supersede the existing law"; for whilst enquiring if the minister used any other than the prescribed form of prayer and the administration of the sacraments and other rites and ceremonies (which meant, if the "other order" was not taken, the insisting on the ornaments of the first book of Edward VI.), he is inconsistent enough to ask in those for the diocese of Chichester, in 1586: Art. 5. "Whether doth your minister in public prayer time wear a surplice, and go abroad apparelled as by her majesty's injunctions and advertisements prescribed." Card. D. A. II. p. 6; Strype, Whit. pp. 242, 243; App. p. 105; Wilk. Conc. IV. p. 318.

Overton, too, the bishop of Lichfield, in his articles of this year, appears to have been as great an offender as Grindal and all other bishops since his time, for he asks, in apparent ignorance of their now asserted legality, "whether your altars, rood lofts, and other monuments of superstition, be clean defaced and taken away, and whether mass books, portases, or any superstitious legendaries, *vestments*, *crosses*, images, or any other relics or monuments of idolatry, be either known or suspected to remain." Rit. Com. Rep. II. p. 428.

been published by Whitgift for general subscription.[318] In May the primate, with some others of the ecclesiastical commission, drew up at Lambeth a series of twenty-four interrogatories or articles.[319] They were afterwards put in use. But all this "diligence" in "reducing the ministers of the church to an uniform observance of rules, created," says Strype, "a great deal of disturbance"; and the primate was held by many to act with some harshness in insisting on an uniformity of order and discipline.[320] In July we find Whitgift issued a commission to a Mr. Finch to claim clergy for clerks indicted.[321]

111. On November 23rd, parliament, and on the 24th, the

Whitgift calls them "her majesty's advertisements." Grindal speaks of "the apparel ordained by the queen's majesty's authority in the treatise entituled the advertisements," which Mr. J. Parker (Letter, p. 56) considers to mean that the apparel only, and not the treatise ordering it, was ordained by the queen's authority, but that opinion needs no refutation. Others, again, write of "the advertisements set forth by public authority."

Mr. Parker, however, remarks (Letter, p. 52) that "there appears to be a distinction drawn between the injunctions issued 'by the queen' and the advertisements issued 'by public authority.'" The injunctions were put forth by the queen herself under and by virtue of the common law powers of the supremacy and independently of any statute. The advertisements were issued under or in exercise of the power given to the queen by a public act. They were the queen's advertisements, as being orders framed by her command and issued by her authority. But inasmuch as that authority was given by a public act, they were also said to be set forth by public or common authority. They are also called "the bishops' advertisements," as being framed and revised by the metropolitan and other bishops. Card. D. A. II. pp. 3, 6; Wilk. Conc. IV. p. 318.

[318] Strype, Whit. p. 125.

[319] They were to be administered *ex officio mero*, and they were sent in June to Cecil, who, on July 1st and subsequently, expressed his disapproval of them as inquisitorial and harsh. Whitgift made his vindication in his letters of July 2nd and 15th. Id. pp. 135, 157—163; App. pp. 49, 63—68; Neal, I. p. 276; Fuller, p. 154. For Whitgift's controversy with Beal, a zealous friend of the puritans, see Strype, Whit. pp. 143—152. For the form of summons to appear before the commission, see Neal, I. p. 273, n. 1; 12 Rep. p. 26.

[320] Id. p. 143. Whitgift, however, in his letter to Cecil of December 26th, said he stood not on these matters, except as a matter of conscience and duty to the church, and in accordance with the "laws and orders already established" that "could not justly be impeached."

[321] Strype, Whit. p. 217.

southern convocation met. After the usual formal business, the subsidy was treated of and passed on December 16th.

On the 18th, John Hilton, a clerk who had been tried and imprisoned by the queen's commission for heresy, and a Thomas Shoveler, who had pretended to be in orders, and had also been tried and imprisoned for the offence, were summoned to appear before the bishops on December 22nd, when Hilton formally abjured his heresy, and was ordered to do penance at Paul's Cross and recant in St. Martin's Church before the lower house. Nothing was done in the remaining ten sessions, save that some articles were delivered by the archbishop to the prolocutor for examination by the lower house. Six decrees and other orders were also made by the bishops for ministers.[322]

112. In parliament a bill for the better and more reverent observing of the Sabbath was, on December 7th, sent up to the lords, and, after much disputation and many amendments, was passed by both houses, but at last

"dashed by her majesty the last day of this parliament upon that prejudicated and ill-followed principle (as may be conjectured) that she would suffer nothing to be altered in matter of religion or ecclesiastical government."[323]

Two bills on pluralities and appeals from the ecclesiastical court were read a second time in the commons, and one

[322] The articles were framed and passed by the bishops and, on March 31st the next year, confirmed by the queen. The clergy also petitioned the queen against the pluralities bill. Card. Synod. II. p. 556. What became of Shoveler is not stated, but Hilton's recantation ran: "Before the most reverend father in God, John, archbishop of Canterbury, primate and metropolitan of all England, and you the reverend fathers in God, the bishops of this your province of Canterbury, here congregated and assembled together in this holy synod and convocation, I, John Hilton," etc. The lower house had no jurisdiction in the matter. For the orders for ministers, see Card. D. A. II. p. 1; Wilk. Conc. IV. p. 318. For the text of Hilton's recantation, see Fuller, IX. p. 175. It is expressed to be made of his own free will. A penance was afterwards imposed. Shoveler, as a layman, probably declined to appear. For the archbishop's mandate for the publication of the articles when confirmed by the queen, see Wilk. Conc. IV. pp. 315—318. For the six articles, see Strype, Whit. pp. 209, 211; App. XVIII. p. 85; Card. Syn. I. p. 139; Wilk. Conc. IV. p. 315.

[323] D'Ewes, pp. 315, 316, 322, 333, 336, 338, 342, 354; Parl. Hist. I. p. 823.

touching fast days was passed.[324] The queen prorogued parliament in person, referring to the disorders in the church thus:

"Yet one matter toucheth me so near, as I may not overskip, religion, the ground on which all other matters ought to take root, and, being corrupted, may mar all the tree. And that there be some fault-finders with the order of the clergy which so may make a slander to myself and the church, whose overruler God hath made me; whose negligence cannot be excused if any schisms or errors heretical were suffered. Thus much I must say that some faults and negligences may grow and be, as in all other great charges it happeneth and what vocation without? all which if you, my lords of the clergy, do not amend, I mean to depose you. Look ye, therefore, well to your charges. This may be amended without heedless or open exclamations."[325]

This year the Archbishop of York "was cast by sentence of the judges delegates" in a suit, a commission of review not being granted, as Cecil had wished.[326]

[324] D'Ewes, pp. 349, 341. The 27 Eliz. c. 11, § 3 repealed 5 Eliz. c. 5, § 11. See a letter of Whitgift's to the queen on the House of Commons "dealing in causes of the church." Strype, Whit. p. 198.

[325] Stow, p. 1181; D'Ewes, p. 328; Parl. Hist. I. p. 834. The parliament was prorogued on March 29th, 1585. The puritans lost no time in moving parliament for a reformation or relaxation of church discipline. On December 14th, they presented three petitions to the House of Commons, and this gave occasion to Dr. Turner to move the first reading of a bill and book, "which," he said, "was prepared by godly ministers," but it was thrown out. Committees were, however, appointed to consider the petitions and put them into shape. They framed sixteen articles out of them, touching matters that required reform, and presented them, by petition, for the consideration of the upper house. The answer of the upper house was conveyed by the Archbishop of York and Cecil to the commons, who, after debate, agreed that their committees, with some legal members added, should meet and confer on the matter. Of what came of the meeting we know nothing. But as a result of the debates, a bill against pluralities was brought in. Bills for swearing bishops not to act contrary to the common law, to reduce the fees of the ecclesiastical courts, and permit marriage at all times of the year, and other measures affecting the church, were also brought in. For the facts and documents, see Strype, Whit. pp. 176—299; App. pp. 70—85; D'Ewes, pp. 339, 340, 344, 354, 357—360, 361, 364, 369, 370, 371; Wilk. Conc. IV. pp. 308—314; Neal, I. pp. 293—300; Collier, VII. pp. 36—46; Fuller, IX. p. 173; and Strype, Ann. III. pp. 220—230; App. pp. 68—90, Nos. 38, 39, where he criticises D'Ewes, and professes to give a more correct text.

[326] Strype, Aylmer, p. 113. The court of high commission, though not a court

113. A.D. 1585. The non-conformist clergy having failed in their appeal to parliament, now again applied to their friends at court, but without success, for Whitgift would not give way. All they had hitherto obtained was a conference at Lambeth concerning the things they thought needful to be reformed in the common prayer; but it ended by both parties remaining of the same mind.[327]

of record, was *pro tempore* a queen's court by force of the act and the letters patent, and its proceedings were ecclesiastical, but limited and confined by the terms and tenor of the commission. It was not meant to supersede, suspend, set aside, prevent, or meddle with the ordinary jurisdiction or process of the queen's ecclesiastical courts or law, but was special and exceptional, and intended to meet and deal with "enormous and exorbitant" offenders. Appeals to the arches, and from thence to the delegates, would go on, as we have seen, as before, both in cases of heresy and the other matters within their jurisdiction. Ante, n. 298; 12 Rep. pp. 20, 69, 37, 38, 44; 13 Rep. pp. 47, 70, 36; 4 Inst. p. 324; Stilling. Eccl. Cas. II. p. 67.

The courts of the bishops and archbishops are the queen's courts, administering her ecclesiastical law, though the proceedings be in the bishop's name, for the bishop is a mere temporal officer. To them is committed the "determination of heresies, schisms, and errors in religion, the ordering, examination, admission, institution, and deprivation of men of the church," and other matters not pertaining to the common law; but all causes are subject to the right of appeal to the crown, from whence the jurisdiction is derived. Every Christian king was *custos utriusque tabulae*, and there was and is no other ground or reason for the distinction between spiritual and temporal causes than the quality of the person set by the prince to decide them, there being nothing "spiritual" in the nature of the causes themselves. Adultery is in its essence and nature no more a spiritual cause than murder, nor idolatry than perjury, for both of the former are offences against the second table, the latter against the first. And the bishops in the primitive church, who were burdened with the judicial office, proceeded and decided according to the Roman civil law, for the canon law was not then in existence. Questions as to the power and jurisdiction of ecclesiastical judges, as well as the exposition of the statutes relating to so called "spiritual" matters, of right, reason, and in law, belong to the common law judges to determine. Of the spiritual court, according to Coke, the devil was said to be the "warden," for that the temporal judge committed the party convicted to the gaoler, but the spiritual sent the "person excommunicate to the devil," the proceedings being *pro salute animarum*. 12 Rep. p. 9; 5 Rep. pp. xi. vi. ix.; 12 Rep. pp. 42, 45, 64; 13 Rep. pp. 4, 112; Dav. Rep. p. 98 a; Ayliffe, pp. 118, [190], 309, 317; Strype, Whit. App. p. 129. Upon the proceedings *ex officio mero*, see Fuller, IX. p. 183; Strype, Whit. p. 180; App. p. 136; 12 Rep. p. 26; 13 Rep. p. 10; Collier, VII. p. 65.

[327] Collier, VII. p. 45; Strype, Whit. pp. 225, 226; Neal, I. pp. 279—281.

Whitgift now drew up articles against Beal, the clerk of the privy council, and made great efforts to stay a commission *de melius inquirendo*.[328] He also proceeded in his metropolitan visitation, and silenced Travers, the preacher at the Temple, appointing Hooker in his stead.[329] Fifteen articles were this year exhibited to the archbishop by way of information against the Bishop of Exeter, who, however, cleared himself.[330]

114. A.D. 1586. In February, Whitgift was sworn of the privy council, being brought in by Cecil, who took advantage of Leicester's absence, and thus the appeal of Travers to the privy council came to nothing.[331] On April 4th, we find a return made by the queen's orders of the state of the cathedral church of Westminster.[332] On June 10th, two members of Christ's College, Cambridge, were cited before the heads for puritanism,[333] and on September 6th, Whitgift, by the queen's

The points objected to were the use of the apocrypha, private baptism, the sign of the cross, private communion, the apparel, non-residence, and pluralities.

[328] Strype, Whit. pp. 211, 212.

[329] Id. pp. 216, 242, 243, 235. Travers appealed to the privy council, but, as it would seem, without success.

[330] Id. p. 221; App. XXII. p. 90.

[331] Travers was not in orders, but had been "made minister" at Antwerp by Cartwright and Villiers, after the Genevan form. Strype, Whit. pp. 247, 249—253; App. p. 107; Collier, VII. p. 48; Neal, I. p. 303; Strype, Ann. III. pp. 429.

[332] Strype, Ann. III. p. 408.

[333] Gold was reported to have preached "against the cross and the use of the same, now received in the Church of England." Mr. Perry, though very wisely declining to rely much upon this as a proof that the use of material crosses had been revived, yet thinks it goes to shew that they were not prohibited. But the contention of the time was as to the use of the sign of the cross and not as to material crosses, which were plainly unlawful. Whitgift wrote, in reply to Cartwright's objections to the use of the cross in baptism: "As for papists, we are far enough off from them; for they pictured the sign of the cross and did worship it; so do not we. . . They used it daily and nightly for religion's sake; we only in baptism for a sign and token." And he afterwards points out that there is a great difference between the use of the sign of the cross "at the time of baptism, with expressing the cause and use of it, and the placing of crosses in churches, or highways, or streets," where they "were erected to be worshipped, and were so accordingly." Defence of Answer, III. pp. 127, 131 (Park. Soc. ed.).

command, required the Bishop of Lincoln to observe the articles agreed upon in the last convocation.[334] In October we meet with a licence by Whitgift to a bookseller to import Roman books.[335]

115. On the 15th, parliament met, the convocations being summoned, as usual, for the next day.

The Canterbury convocation was, by virtue of the queen's writ, adjourned to October 28th following, and again, and by another writ, to November 2nd, when it met for business.[336]

After the election of a prolocutor, the usual protest of the Dean of Westminster, and the appointment, with the consent of the clergy, by the prolocutor, of a committee of deans and archdeacons as his assessors, the prolocutor directed the clergy to appear in their habits or else stay away; and if any had reformanda to present, they were to bring them at the next meeting. The next session, on November 9th, a question of a disputed election came before the lower house, when, upon a scrutiny, Mr. Day was declared elected, the votes of curates being held to be unlawful, as they had "no voices there." A claim by two other members to a seat, the ground and nature whereof does not appear, was settled by the archbishop. On November 18th, the prolocutor, with the deans of Ely and Oxford, went to the upper house, and after a conference with the bishops, they were directed to see that the laws were observed, and that matters needing reformation in the churches were attended to, all of which the prolocutor conveyed to the lower house on his return. On December 2nd, the prolocutor informed the lower house that the archbishop and bishops had shewn him certain agreed-upon orders and exercises for the clergy, which they meant to make known to the clergy on their

But this does not convince Mr. Perry, who remarks: "No doubt Whitgift was a competent witness as to *fact*, but his language is no evidence whatever as to the *law*." Lawf. Ch. Or. p. 296. And yet Whitgift, as an ecclesiastical judge of appeal, had to administer, and as ordinary to enforce, that law.

[334] Card. D. A. II. p. 9. They related to the admission of "unmeet persons."

[335] Wilk. Conc. IV. p. 320; Card. D. A. II. p. 10. The press had the year before been placed under strict control, nine rules and orders being made in the Star Chamber for "redressing abuses in printing." Strype, Whit. p. 223; App. p. 94; Neal, I. p. 301.

[336] Syn. Ang. p. 242, ed. 1854; Card. Synod. II. p. 560.

return to their dioceses.[337] On February 24th following, the archbishop ordered the prolocutor to suspend absent members, and to consider over the subsidy, whilst the Bishop of London complained of the Dean of Norwich and others. The prolocutor, on his return to the lower house, dealt with the absentees and the subsidy. In March, a collection was made for one Gabriel Holt, a preacher,[338] and a subsidy and benevolence were agreed on. On the 10th, the archbishop, on the queen's behalf, "thanked the clergy for their benevolence," and warned the archdeacons against clergy of evil repute, and against preachers who treated of politics in their sermons. On the 15th, the decrees for the collection of the subsidy were brought in and approved of, and the lower house presented, as usual, their petitions.[339] On the 24th, convocation was dissolved, parliament being, as usual, dissolved the day before.[340]

[337] "Revertens intimavit omnibus praesentibus, consultum esse per eosdem reverendissimum patrem et praelatos de reformatione fienda, quod schedulas eidem reverendissimo ac domino prolocutori exhibitas, etc. Et quod conventum est interdictos reverendissimum et praelatos de exercitiis fiendis per ministros inter provinciam cantuarensem; et quod, iidem reverendi patres, cum redierint, in dioeceses suas, ordinem eorundem significabunt omnibus quibus interest in hac parte." The orders were for the better increase of learning in the inferior ministers, and for more diligent preaching and catechising. Two schedules of reformanda and complaint were also presented by the lower house concerning disorders in the diocese of Norwich and the archdeaconry of Suffolk. Syn. Ang. p. 252; Wilk. Conc. IV. pp. 321, 322; Strype, Whit. p. 260; Card. Syn. II. pp. 562—565.

[338] It was £1 6*s*. 6*d*. Syn. Ang. p. 254.

[339] Syn. Ang. p. 259; Card. Syn. II. p. 561. The petition is given in Strype, Whit. p. 262. It was for "remitting of lapses and pardoning of irregularities," as well as for the redress of injuries suffered. The hatred of the "common sort of men" against the ministers of the church, the cold devotion with which the tithes were paid (the clergy claimed tithes of the profits of every man's business and of the wages of every craft, common day labourers only excepted, 2 & 3 Edw. VI. c. 13, § 7; 1 Will. IV. c. 21, § 2; Gibson, Cod. p. 699, ed. 1713), the difficulty of getting a free presentation from a lay patron, and other grievances were recited, and the reverend fathers and lords who presented the clergy subsidy to the queen were to be the suitors, on behalf of the clergy, for her highness' free pardon of all lapses and irregularities of her clergy, high and petty treason, wilful murders and felonies, and other enormous faults only excepted; Strype, Whit. p. 263. "This act of clemency was granted" by the queen, by the 27 Eliz. c. 30, but her anger with the non-conformists was marked by their being, like outlaws, excepted out of it.

[340] Neal is in error in saying that the convocation continued sitting after parliament was dissolved. Neal, I. p. 313. For the full details, see Strype,

116. In parliament the "great cause" of the Queen of Scots and the Babington conspiracy[341] took up most of the time. A bill, with a new prayer book annexed, was, however, introduced into the House of Commons by Mr. Cope, but neither were read, for

"the queen sent to Mr. Speaker as well for this petition and book as for that other petition and book for the like effect which was delivered the last session of parliament." On March 1st, "Mr. Wentworth delivered unto Mr. Speaker certain articles, which contained questions touching the liberties of the house," and required

Whit. pp. 260—264; App. Nos. 32, 33, pp. 113—115; Ann. III. pp. 405—408; Wilk. Conc. IV. pp. 323—325; and (for York) pp. 325—328; Syn. Ang. II. pp. 137—165, ed. 1702; pp. 244—262, ed. 1854; Card. Syn. II. pp. 559—569; see also Collier, VII. p. 59; Lathbury, p. 196; 27 Eliz. c. 28; Gibson, Cod. p. 978; Joyce, pp. 591—598, but there is no proof that the northern synod preceded the southern "in its first formal meeting"; its only business was the granting, on March 9th, 1587, of the "subsidy and benevolence." The subsidy needed to be confirmed by parliament, the bill first passing the lords, and then being sent down to the commons. The benevolence needed no parliamentary sanction.

[341] Both houses petitioned the queen for the execution of Mary, who had been in communication with Babington. The conspiracies were, as usual, largely fomented, if not suggested by, the Curia. Pius V., who held that no peace was possible with heretics (nullam Catholicis cum haereticis pacem nisi fictam aut simulatam esse posse), who were to be extirpated by all ways and means, was not content with a faith that was not proved by works, and so, by letters and exhortations, by subsidies and by arms, he sought to make it manifest to all. See his letters to, and replies from, the Queen of Scots, to Alva, to foreign courts and states, and the active aid given by his agent Ridolfi, who, under the harmless guise of a merchant, wrought out in England the plans and schemes of the papal court. Apost. Pius V. Epist. pp. 21, 50—57, 98, 110, 135, 138, 149—169, 195—200, 231, 237, 241—248, 263, 266—288, 290, 303, 363, 365, 367, 427, 444; Catena, pp. 112—118, 249, 275, 301, 303, 327; Nat. Alex. VIII. pp. 59, 60; Palatio, IV. pp. 307, 308, 311, 321, 322; Pagius, VI. pp. 603, 604, 629, 662, 675, 708; Spondanus, II. pp. 687, 698, 708, 712, 727. His mantle fell on Greg. XIII., who proved faithful to the traditions of the Curia (pro Anglia ab Elizabethae Reginae tyrannide liberanda, milites et subsidia pecuniaria Regi Catholico obtulit, Nat. Alex. VIII. p. 63); while Sixtus V. was no unworthy successor, for at his instigation the Armada was prepared; and when the pope laid the blame of its failure upon the generals, Philip replied, "Classem immisi in hostes Christiani nominis, non adversus vota Dei. Milites nostri nullâ culpâ tenentur, quorum promissio non fuit debellare ventos et maria. Ad communem jacturam naufragium spectat, quia cum ipse ad tutelam ecclesiae, instigante Pontifice arma sumpserim honorem jure mihi vindico amissae classis pro ecclesia Dei." Palatio, IV. col. 395.

them to be read, but the Speaker refused until her majesty's pleasure was known. On the 2nd, Mr. Wentworth and the three members who had spoken in favour of the bill and book were sent to the Tower. On the 6th, a committee was appointed to confer upon a motion to be made to the queen for redress and relief "of some things whereunto ministers are required to be sworn," and for a learned ministry. On the 13th, a motion was made for a conference with the privy council concerning the members still in the Tower.

In this parliament we may observe the increased spirit of independence in the commons, and the determination to obtain a voice in matters of religion.[342]

117. A.D. 1587. This year the puritans began "to exercise their discipline in corners in despite of the authority of the laws, holding synods and classes in several places, and forming presbyteries, for which cause Cartwright and some other ministers were called in question."[343] The bishops, too, appear to have been required to report and certify concerning the justices of the peace in their dioceses.[344]

On May 30th, the Bishop of London deprived Cawdry for depraving the book of common prayer and for wilful nonconformity.[345] On June 16th, the primate directed the use in every church of the translation of the Bible "authorised by the synods of the bishops."[346] On August 16th came an order from the ecclesiastical commissioners against allowing unlicensed preachers to either preach or read,[347] and on November 8th, Whitgift framed certain rules, or statutes, for the arches.[348]

[342] See D'Ewes, pp. 393, 395, 400—402, 410, 412, 413, 415; Parl. Hist. I. p. 838; Camden, pp. 272—336; Strype, Whit. pp. 256—263; Collier, VII. p. 58; Neal, I. pp. 307—313.

[343] Strype, Ann. III. p. 471; Collier, VII. pp. 67, 76.

[344] Strype, Ann. III. pp. 453—456; App. pp. 169—180; Whit. App. p. 120.

[345] Aylmer had held a visitation of his diocese in 1586, but he here acted on the commission. Cawdry was not deprived till May 14th, 1590. See Rit. Com. Rep. II. p. 430; Strype, Aylmer, pp. 126—148; 5 Rep. pp. i.—xii.

[346] Wilk. Conc. IV. p. 328; Card. D. A. II. p. 11.

[347] Neal, I. p. 318.

[348] Wilk. Conc. IV. p. 328.

118. A.D. 1588. As the primate last year visited the diocese of Bath and Wells, so he did that of Salisbury in this.[349] On June 4th, the non-conformists held "a provincial synod" at Warwick, and decided that it was not lawful to use private baptism, nor the sign of the cross, nor to recognise the bishop's deprivation, nor to appear, except under protest, in their courts.[350] On July 10th, the primate sent round to his suffragans a book of prayers for the time, and with it a set of twelve articles to be observed by the ministers of his province.[351] In October we find the Bishop of Norwich informing Cecil of his condemnation of Francis Ket for heresy.[352] On November 10th, Whitgift wrote to the bishops of his province, requiring them to certify him how the articles of 1586, enclosed to them, and the canons of 1564, "allowed by the queen's majesty," had been observed by the clergy in their dioceses, with information as to the number admitted to benefices or ordained since 1584, and how many preachers there were.[353]

[349] Strype, Whit. p. 267; Card. D. A. II. p. 13; Wilk. Conc. IV. p. 337. The same articles appear to have been set forth in other visitations. Art. 2 asks, "Whether your minister doth reverently say service, and minister the sacraments according to the book of common prayers; and whether doth he use in his ministration the ornaments appointed by the laws now in force?" Art. 3 enquires, "Whether you have in your church all things necessary for the common prayer and due administration of the sacraments, according to her majesty's laws and injunctions?"

[350] Neal, I. p. 319; Strype, Whit. pp. 290—296; App. No. 3, p. 138; Fuller, IX. p. 194; Collier, VII. pp. 76—119.

[351] The letter is given in Strype, Whit. p. 276; Wilk. Conc. IV. p. 337.

[352] Strype, Ann. III. p. 558. Ket does not seem to have appealed as Randal did. Appeals to the arches and thence to the delegates cost money; and after a formal condemnation for heresy by the bishop and a confirmation by the arches, an appeal to the delegates gave but scant hope of success. Randal, the parson of Lydford, whom, said the Bishop of Exeter, in his letter to Cecil, I justly "deprived for his damnable opinions and heresies, and after his appeal from me to the arches, and from thence to her majesty's delegates, I had my proceedings ratified," does not appear to have held what was called "blasphemous opinions," and so, although condemned, he escaped the stake. His heresies are given by Strype, Whit. App. p. 92, No. 23; Ante, p. 285, n. 304.

[353] See the letter to the Bishop of London, Wilk. Conc. IV. p. 338. For the tenor of the letters and other particulars, Strype, Whit. p. 278. The object was to be prepared for the meeting of parliament.

On November 12th, parliament was summoned, but was prorogued to February 4th, and the Canterbury convocation to the 5th.[354] On the 14th, the privy council, by the queen's command, directed the primate and the ecclesiastical commissioners to search for and proceed against the printers and authors of *Martin Marprelate*.[355]

119. A.D. 1589. At the meeting of convocation in February, after the usual formal business,

the speaker of the lower house signified to the clergy the will of the bishops concerning matters of complaint and reformanda.[356] A committee of bishops was appointed on February 12th to confer with a clergy committee concerning the subsidy, and the grant of a double subsidy was proposed by the bishops and acceded to by the clergy, the grant being carried up and presented by the prolocutor to the bishops on October 26th for their formal sanction and assent; but it was sent down again by the bishops for alteration, and only read and agreed to on the 28th, at the meeting at Lambeth.[357] On March 12th, absentees were denounced as contumacious, and a collection was made for two converts, Roman priests.[358] On the 19th, Whitgift caused certain articles, which had received the queen's sanction, to be read over to the clergy for observance in his province.[359] A letter

[354] Wilk. Conc. IV. p. 335; Card. Syn. Ang. p. 262; D'Ewes, p. 419.

[355] Strype, Whit. pp. 289, 290, 298—308. This was followed on February 13th, 1589, by a proclamation against seditious books and their authors. Wilk. Conc. IV. p. 340; Card. D. A. II. p. 18; Strype, Whit. p. 296; App. p. 126. The press was eventually discovered, and some offenders were fined, others were executed. Neal, I. pp. 326—329; Fuller, IX. p. 194.

[356] "Prolocutor universo caetui significavit voluntatem reverendissimi caeterorumque praelatorum superiores domus esse, quod si aliquis hujus domus noverit quenquam ministrum, de quo juste conqueri possit, quod contra leges ecclesiasticas nunc temporis auctoritate legitima receptas et approbatos sese gessit et gerit, aut si aliquis noverit quenquam qui canones in ultima convocatione approbatos et editos violaverit, eosdem in scriptis denuntiarent reverendissimo domino Cant. Archiepiscopo, caeterisque dominis praelatis praedictis pro debita correctione et reformatione in ea parte faciend." Card. Syn. Ang. p. 264; Syn. Ang. Part I. p. 160, ed. 1702.

[357] Card. Syn. Ang. pp. 265, 266, 268.

[358] Id. p. 271.

[359] "Reverendissimus pater perlegi fecit quosdem articulos nuper per regiam auctoritatem approbatos, ac per totam provinciam Cant. observatos," etc. Id. p. 273. They are called, "orders agreed upon by the archbishops and bishops at

was sent, too, by Whitgift to those who had not paid their subsidies, and after suspending absentees, amongst whom was the Bishop of Lichfield, he dissolved the convocation on April 2nd.[360]

120. A paper on the supremacy of the crown is supposed by Strype to have been prepared at this convocation.[361] An address to the queen also was drawn up against the pluralities bill sent up to the lords.[362]

In parliament, beyond what has been already noted, little appears to have been done in church matters.

A Mr. Damport offered, on February 25th, some "particularities in writing" in support of a motion "neither for making of any new laws, nor for abrogating of any old laws, but for a due course of proceeding in laws already established," but was at once reminded by Mr. Secretary Wolley of her majesty's express inhibition, at the beginning of the session, touching any dealing with ecclesiastical cases.[363]

The inhibition appears, however, not to have prevented the subsequent bringing in of the pluralities bill.

the parliament, 1588, and commanded by her majesty exactly and diligently to be observed and put into execution," and were, in fact, substituted for the more severe provisions of a bill which had been brought into the lords. They were six in number, and related to non-residence and pluralities, whilst the fourth provided that ministers deprived for any great crime, offence, or scandal, should not afterwards be admitted to serve any cure. Card. D. A. II. p. 16; Syn. II. pp. 570—573; Wilk. Conc. IV. pp. 335, 340; Strype, Whit. p. 282; Collier, VII. p. 119.

[360] Strype, Whit. p. 283.

[361] Strype, Whit. p. 283: App. No. 39, p. 125; and see (on bishops) No. 43, 44; App. pp. 129, 131. The crown was held to have the power that the Jewish kings and Christian emperors had, as was afterwards affirmed, in the canons of 1604.

[362] The bill was brought into the House of Commons, and read a first time on February 27th, a second time on March 1st, but was replaced by a new one on March 5th, which passed, and on March 10th was sent up to the lords, but was not, it would seem, read there at all. D'Ewes, pp. 440, 442, 444; Card. Synod. II. p. 573; Wilk. Conc. IV. p. 339; Strype, Whit. pp. 279—281. The petition to the queen says, "that out of 8800 and odd benefices with cures, only 600 gave a sufficient maintenance for learned men."

[363] D'Ewes, p. 438. The speaker returned "the particularities" to Mr. Damport.

In June and July, Whitgift visited the dioceses of Peterborough and Rochester as well as his own city and diocese of Canterbury.[364]

121. A.D. 1590. In February, things being out of course at the two universities, especially at Cambridge, where Cartwright and other puritans held private meetings, steps were taken to rectify the disorders.[365] On March 4th came a privy council order to Whitgift for the provision of arms by the clergy.[366] In the same month and the next we find Sir F. Knollys and Cecil interceding in vain for some non-conformist ministers who had been silenced,[367] there having been a general summons of non-conformist clergy to the ecclesiastical commissions, especially from Northampton and Warwick.[368]

On September 1st, Cartwright, "the father of this sect," who had been suspended from preaching by his diocesan, was

[364] The articles are nearly the same as those given for Salisbury, but the words "without any kind of alteration thereof" are inserted in the second article of enquiry, after the words "book of common prayer." Strype, Whit. pp. 309—311. For the exceptions against these articles and the power of the bishops, with the correspondence and controversy that ensued, see Strype, Whit. pp. 311—315.

[365] Some of the principles publicly affirmed at Cambridge by the preachers were, "That a sentence given by a judge is to be examined by every private man by the word of God. That it deserveth no obedience, if by them it be not found thereunto agreeable. That the godly zealous in these times are ordinarily persecuted by the authority of the superior. That the young ones in God's school are not to faint or to be discouraged by such tyranny." Strype, Whit. pp. 318—320.

[366] Id. p. 316; and see Wilk. Conc. IV. p. 341 for another, and the archbishop's orders thereon.

[367] Strype, Whit. pp. 341, 342.

[368] Id. pp. 327—335. The articles of enquiry administered to churchwardens had been especially pointed and stringent. Other articles were now exhibited to the ministers who appeared. Udal, the vicar of Kingston-on-Thames, appeared on January 13th before the commissioners, the Bishop of Rochester, and seven laymen, of whom two were peers, one the lord chief justice, another the solicitor-general, two doctors of law, civilians, and another; and was, after examination, sent to the gate house, and on July 23rd tried at Croydon assizes for writing "a demonstration of discipline," and being convicted, sentence of death was passed upon him on February 20th following. He, however, died in prison in 1592. Neal, I. pp. 330—337.

articled before the commissioners, and required to take the oath *ex officio*,[369] which he refused to do, and so was committed to the Fleet, where he remained, with other ministers, till 1592, when, owing to the good offices of Whitgift, he obtained his liberty.[370] At the close of the year Whitgift visited the dioceses of Ely, Bath, and Llandaff, and set forth a form of prayer for special services every Wednesday and Friday in his province.[371]

122. A.D. 1591. In May, Cartwright was sent for by Aylmer to appear before him, Dr. Bancroft, and others of the ecclesiastical commission;[372] and on the 13th he, with other non-conformists, were brought into the Star Chamber, where more severe penalties than deprivation or imprisonment were inflicted, the proceedings being by bill and answer and in public.[373] This year six orders were set forth to be observed of every bishop in the province of York, and the archbishop and bishop agreed upon and, on August 1st, published eight other orders to be observed in the government of

[369] See Cartwright's letter of May 20th, on his being sent for "by a pursevant." Strype, Ann. IV. p. 20. For the articles, etc., see Fuller, IX. pp. 198—202, and compare with the interrogatories administered to Stone. Id. p. 207. The commissioners were the Bishop of London, the two lord chief justices, and one other judge, the attorney-general, and Serjeant Puckering. They met in the consistory of St. Paul's. Id. p. 202; Strype, Whit. pp. 336—343; Neal, I. p. 337; Collier, VII. pp. 129—139. Cecil interceded for Cartwright, and so, in the following year, did King James, and for Udal. Fuller, IX. p. 203; Strype, Whit. p. 337; Ann. IV. pp. 21—30; Collier, VII. p. 146.

[370] Neal, I. p. 340; Strype, Whit. p. 369.

[371] Strype, Whit. p. 359. They were printed by the queen's printer, and said to be set forth "by authority."

[372] Strype, Aylmer, p. 160. This is said to have been after the appearance in the Star Chamber, in Strype, Whit. pp. 362—365; see Collier, VII. pp. 147—149; Neal, I. p. 339.

[373] *Coram Rege in concilio suo*, or anciently *coram Rege in camera*. 4 Inst. p. 60; and see Crompton, pp. 29—42; Collect. Jurid. II. pp. 1—240; Attorney's Academy, pp. 173—189; Strype, Whit. pp. 360, 366, and 368 for the interrogatories; for the bill and answer, App. pp. 142—152, and for other documents, pp. 153—165; Collier, VII. p. 129—136, 149; Neal, I. pp. 338—340; Strype, Ann. IV. pp. 30. 48, 49. 52.

the church.[874] In September, Whitgift put forth a letter for catechising and confirming.[875]

123. A.D. 1592. In spite of the efforts of Whitgift and the ecclesiastical commission, the extreme puritans or separatists, who had renounced all communion with the church, increased in numbers, and formed themselves into churches with pastors, deacons, and elders.[876] Fifty-nine, who were in prison, joined about this time in a petition to Cecil to be admitted to bail, but were denied.[877] On December 12th, Whitgift sent round to the bishops a form of oath to be taken by their officials.[878]

124. A.D. 1593. In anticipation of the meeting of parliament, Whitgift wrote, on January 10th, to the bishops of his province for a "perfect and particular certificate," to be delivered to the queen, of all the ministers serving cures in their dioceses.[879] On February 19th, parliament met, and the two convocations on the 20th. In that of York

nothing of importance was done save the grant of two subsidies. Two papers are, however, mentioned as belonging to or being before

[874] Wilk. Conc. IV. pp. 341, 342. Art. V. (of those of Aug. 1st) runs: "If any ministers be known not to observe the orders of the book of common prayer, in saying the service, and administering the sacraments and other rites and ceremonies therein contained, that he be sent for presently and enjoined to reform his disorder, and to certify his said reformation, which, if he do not, then ordinary proceeding to be used against him according to law." Three dioceses were also visited by Whitgift this year. Strype, Whit. p. 382. See ante, pp. 234, § 43; 247, § 60. Whatever is a just cause of deprivation is, as we have seen, a sufficient ground of refusal to admit. The deprivation *ipso facto* for non-conformity, under the acts of Edward VI. and Elizabeth (still in force), applies to prosecutions in secular courts only, and is not in restraint of the ordinary ecclesiastical courts or law, wherein and whereby a clerk is to be deprived for the first act of wilful non-conformity. The acts, being in the affirmative, did and do not exclude the existing jurisdiction or censures of the spiritual courts. Godolph. pp. 308, 310; Hawk. P.C. I. p. 14.

[875] Strype, Whit. p. 379; App. p. 168; Wilk. Conc. IV. p. 343; Card. D. A. II. p. 22.

[876] Neal, I. p. 347.

[877] Id. p. 352. It would be this year, as Rippon, who died in 1592, was one of those who signed. See Strype, Ann. IV. p. 133. Ten prisoners, not including Udal, had died.

[878] Wilk. Conc. IV. p. 344.

[879] Id. p. 344; Strype, Whit. p. 386.

convocation. The one related to the degrees of affinity, and the other contained certain orders agreed on by the bishops for the good government of the church.[380] A letter, too, was written by the fourteen deans and prebendaries of the newly-erected churches to the lord treasurer.[381]

125. In parliament the lord keeper signified that it was not called for the making of new laws or statutes, whilst the commons petitioned for liberty of speech, freedom from arrest, and for access to the queen. To the first petition the lord keeper replied:

"Privilege of speech is granted, but you must know what privilege you have, not to speak everyone what he listeth, or what cometh in his brain to utter that; but your privilege is, Aye or No. Wherefore, Mr. Speaker, her majesty's pleasure is, that if you perceive any idle heads, that will not stick to hazard their own estates, which will meddle with reforming the church and transforming the commonwealth, and do exhibit any bills to such purpose, that you receive them not until they be viewed and considered by those who it is fitter should consider of such things, and can better judge of them."[382]

Divers diocesan visitations took place this year, owing to

[380] These are probably the ones given in Wilk. Conc. IV. pp. 341, 342; ante, n. 374.

[381] Strype, Whit. pp. 397, 398; Card. Synod. II. p. 577; Collier, VII. p. 173; Wilk. Conc. IV. pp. 343, 345.

[382] D'Ewes, pp. 458, 460; Strype, Whit. pp. 306, 307; Parl. Hist. I. pp. 859, 862. On February 24th, in the commons, Mr. P. Wentworth and three other members were summoned before the privy council and committed for delivering a petition to the lord keeper on entailing the succession to the crown. On the 27th, Mr. Morrice brought in two bills concerning proceedings in the ecclesiastical courts, the oath *ex officio*, and imprisonment for refusing to take it; but they were not read, as the queen "had straitly forbidden to meddle in such cases," and Mr. Morrice was sent for and committed. On the 28th, the bill for reducing disloyal subjects to their obedience was read a second time. It was hotly debated, but passed as the 35 Eliz. c. 1. By it non-conformists were to be committed until they conformed and submitted in the manner required by the act. If obstinate after conviction, they were to abjure the realm, and not to return without licence upon pain of death. D'Ewes, pp. 470, 474, 476; Parl. Hist. I. pp. 870, 875, 878, 887. See Mr. Beal's letter to Cecil on the oath *ex officio* and ecclesiastical procedure. Strype, Whit. pp. 391—396; Collier, VII. p. 172.

the death or suspension of bishops;[383] and Penry, one of the authors of *Martin Marprelate*, with Barrow, a member of Gray's Inn, and Greenwood, a non-conformist minister, suffered death.[384]

[383] Middleton, the bishop of St. Davids, was suspended by the commissioners on May 8th, and so continued until his death. The complaint against him was misapplication of a Brecknock charity, and the taking exorbitant fees for visitations, ordinations, etc.; if the account elsewhere given be correct, the income of the bishopric was very small. Strype, Whit. p. 400; Grindal, p. 270. Later on, in the 11 Wm. III., another bishop of St. Davids was deprived by the Archbishop of Canterbury for simony, in an *ex officio* suit promoted by one Lucy. The bishop was summoned before the archbishop in person at Lambeth, and appeared under protest. He then moved the king's bench for a prohibition on the ground that he should have been cited in the arches and before the vicar-general, but the prohibition was denied. He then appealed to the delegates, who remitted the cause back to the primate. From the primate he again appealed to the delegates, and soon after applied again for a prohibition because the delegates had refused to admit certain allegations; the bishop's counsel affirmed that the deprivation should be either by convocation ("a new fancy," as the lord chief justice called it) or by the ecclesiastical commission. The prohibition being denied, he petitioned the lord chancellor for a writ of error for denial of the prohibition, but the House of Lords held it would not lie. The primate then deprived him, and prohibited him on pain of excommunication to wear the dress, etc. of a bishop, and condemned him in costs. Being arrested under the writ *de excommunicato capiendo* he applied to the king's bench, who quashed the writ because the *significavit* was faulty. He then refused to give up his temporalities and was put into the exchequer, whence he appealed to the Exchequer Chamber and House of Lords, where the case was dismissed, and he finally "withdrew from the realm." 1 Salk. pp. 106, 134—136; Raymond, I. pp. 539—545, II. pp. 817, 818; Carth. pp. 484, 485; Rothery, pp. 49, 50. The courts held that the archbishop might punish a bishop for any offence against the duty of his office, and that he might hold his courts wherever he pleased, and sit himself, and so might any other bishop. 1 Salk. pp. 134—137; 1 Raym. pp. 447—451, 539. Wood, the bishop of Lichfield, was suspended by Sancroft in 1667 for dilapidations; whilst Archbishop Sancroft and five other bishops, with some 400 clergymen, were deprived in 1690 for refusing to take the oath of allegiance required by 1 W. & M. sess. 2, c. 2, § 3.

[384] Penry was an M.A. of Oxford, a "minister well disposed to religion, but mistaken in his principles," says Strype. He was arrested on a privy council warrant, indicted and tried in the king's bench by the lord chief justice under the 23 Eliz. c. 2, and hanged on May 29th. Barrow had been in prison many years, and was examined before Whitgift, the Bishop of London, Cecil, the Lord Chancellor, and the Lord Buckhurst at Whitehall; Greenwood appeared before the archbishop, the bishops of London and Winchester, the lord chief justices, the lord chief baron, and the Master of the Rolls; and they were finally indicted with

126. A.D. 1594. The privy council followed up the 35 Eliz. c. 1 by a letter, dated August 26th, to the primate, enclosing orders for its execution and observance;[385] and in November the queen issued a commission to the archbishop and others, to enquire into the ecclesiastical courts of his province, according to the articles sent to him therewith.[386]

127. A.D. 1595. This year the appeal of Mr. Cawdrey in an action of trespass was tried;[387] and on February 23rd, Fletcher, bishop of London, was suspended by Whitgift at the queen's command.[388] In November, the "Lambeth articles" were drawn up and signed, with the result that, on December 5th, the queen "signified her mind" by Cecil, one of the secretaries, to Whitgift, so that the archbishop was fain to recall and suppress them with all expedition; and so effectually was this done, that a copy was not to be met with for a long time after.[389]

128. A.D. 1596. On March 5th, the Bishop of London set

others at the Old Bailey, and sentenced to death, but promised a pardon if they would come to church. This they refused to do, and were therefore executed on April 6th. Strype, Whit. pp. 346—350, 409—417; Neal, I. pp. 351—360; Collier, VII. pp. 173—180.

[385] Wilk. Conc. IV. p. 346; Card. D. A. II. p. 27.

[386] The Bishop of Worcester, Andrews (Whitgift's chaplain), and Dr. Stanhope, a civilian, were the commission for London. Strype, Whit. p. 418; Wilk. Conc. IV. p. 347.

[387] Cawdrey brought trespass in the queen's bench, and the jury gave a special verdict, finding for the plaintiff if the deprivation were void in law, and for the defendant if it were good. The court found for the defendant. Cawdrey *v.* Atton, Poph. 59, 60; 5 Rep. i.—xli.; Allen *v.* Nash, 1 Jones, 393.

[388] Fletcher had been appointed in January, and soon after married a second time. For this he was forbidden to come to court, and then suspended "by the archbishop's own mouth." The suspension was taken off in July, but he was not permitted to approach the queen for a twelvemonth. He was, however, active in enforcing conformity, for in the return made of prisoners in London, out of the 79 confined, 24 were committed by the ecclesiastical commission, 28 by order of the privy council, 24 were "popish recusants," 4 were for debt and treason; and much of this was put down to the bishop's visitation. Strype, Whit. pp. 428—430; Ann. IV. pp. 221, 252, 258; Neal, I. p. 366; Strickland, Queens, VII. p. 223.

[389] On this see Strype, Whit. pp. 435—465; Collier, VII. pp. 192—204; Card. D. A. II. p. 30; Wilk. Conc. IV. p. 347; Fuller, IX. p. 230; Neal, I. p. 368.

forth orders to be observed by every ecclesiastical judge in the diocese of London;[390] and on December 27th Whitgift, by the queen's command, directed service to be held on every Wednesday and Friday, in every parish in his province.[391] The ecclesiastical commission too "deposed" one Darrel as an impostor.[392]

129. A.D. 1597. On May 6th, Bancroft was confirmed "for bishop and pastor of the cathedral church of St. Paul,"[393] and a new parliament being called for October, Whitgift "took what care he could to prevent unfit men from coming there."[394]

It met on October 24th, and the houses of convocation as usual. In that of Canterbury

at the first three meetings the usual formal business was done. On the fourth session, on November 18th, the Bishop of Bath and Wells brought in six articles for the better keeping of the parish registers,[395] and the primate sent for the prolocutor of the lower house and gave him notes of certain reformanda to be seen to.[396] In the fifth and following sessions to the twenty-third, the subsidy, the question of process for contumacy and that of the archbishop's substitute, were treated of.[397] On January 25th, the twenty-third session, Whitgift

[390] The orders were nineteen in number, and were probably one of the results of the queen's commission. Art. 13 provided that no *significavit* was to be returned into chancery by any ecclesiastical judge not commissioned by the bishop for the doing thereof; but letters of request were first to be sent to the bishop in the usual form. Wilk. Conc. IV. p. 348.

[391] Id. p. 351; Card. D. A. II. p. 40.

[392] Darrel pretended to cast out demons. The commissioners were the archbishop, the bishop of London, the lord chief justices of the Queen's Bench and Common Pleas, the dean of the Arches, a master in chancery, with others. Strype, Whit. p. 494; but see Neal, I. p. 374, who says the bishops now left the non-conformist clergy to be tried at the assizes, and Strype, Ann. IV. p. 264.

[393] Strype, Whit. p. 515.

[394] Id. p. 508; Neal, I. p. 375.

[395] Strype, Whit. p. 510.

[396] The note in Cardwell and Wilkins says "the prolocutor and lower house" were sent for, but it probably means the prolocutor and the usual committee of the house. Card. Synod. II. p. 579; Wilk. Conc. IV. p. 352. The articles were eight in number.

[397] Card. Synod. II. p. 580; Wilk. Conc. IV. p. 352.

produced twelve canons, which the queen had sanctioned by letters patent, and required to be observed by the clergy of both provinces.[398] Other matters and proposed enactments are also placed to the account of this convocation by Strype."[399]

Orders for Canterbury Cathedral were also issued this year.[400]

130. In parliament the queen had, on November 14th, "given leave and liberty to the House of Commons to treat" of ecclesiastical matters, and had encouraged them to proceed in the reformation of "innovations in ecclesiastical government." The house, however, had already taken the initiative.[401] On November 7th, a bill for the taking away of clergy from certain offenders was brought into the lords, and passed both houses.[402] On the 10th, a motion was made "touching the abuses of marriage licences granted by ecclesiastical persons,"[403] and abuses in the universities and in

[398] They were the canons of 1585 with additions. The York convocation never had them before them for consideration, debate, or approval; and there is no trace of their having been presented for the sanction of the lower house in the southern province. They were in fact presented on January 25th, the letters patent authorising them being dated the 18th. These recite the fact that licence to treat was given, but do not say when or how. The writ of summons would not be a sufficient licence, and the letters patent throw no light on the matter, save that licence was given (ex nostrâ licentiâ tractaverint), and the assent of the crown sought according to the statute 25 Hen. VIII. "super ea re editi." Card. Synod. II. p. 580; I. p. 147; Wilk. Conc. IV. pp. 352—357; Atterbury, p. 601.

[399] They were "reasons for licences to marry," and "laws and ordinances for the church." Strype, Whit. pp. 512, 513, App. p. 224.

[400] Id. App. p. 225.

[401] D'Ewes, p. 558. On the 14th, Sir John Fortescue, chancellor of the exchequer, shewed the house that her majesty did yesterday last call Mr. Secretary and himself unto her, and telling them that her highness had been informed of the horrible, great, and incestuous marriages discovered in this house," had commanded them to take information thereof so that her highness might give order for the punishment and redress thereof; whereon it was resolved that the committees appointed on November 11th to draw a bill for the reformation of abuses occasioned by licences granted for marriages without banns, should meet and receive informations of the grievances touching ecclesiastical causes. D'Ewes, pp. 555, 556, 557, 561. For the horrible marriages see Strype, Whit. p. 510, App. p. 222. This year Coke married Lady Hatton without banns or licence. Collier, VII. p. 247.

[402] D'Ewes, p. 529.

[403] D'Ewes, p. 555; ante, n. 396; Strype, Whit. p. 508.

chapters were dealt with.[404] An act for the confirmation of the deprivation of certain bishops was sent down to the commons, with their lordships' recommendations, and passed.[405] Other measures and bills against the excessive fees of ecclesiastical judges and officials,[406] and touching the possessions of the bishopric of Norwich were brought in,[407] also a bill by a Mr. Finch for an explanation of the Act of Uniformity and a mitigation of the 13 Eliz. c. 12.[408]

131. A.D. 1598. This year the proceedings of the ecclesiastical commission are said to have been obstructed and, as it would seem, suspended, by prohibitions, giving occasion to the drawing up a case for the opinion of the judges.[409] On November 9th, Whitgift called the bishops of his province to account for neglecting the canons last made, in the matter of ordinations and excommunications;[410] and again, on the 19th, he complained of the non-observance of the canon as to the time and place of marriage.[411] On the 12th, Coke, A.G., addressed a monition to the Dean of the Arches, and all other ecclesiastical judges, warning them against certain proceedings which are contrary to law.[412]

132. A.D. 1599. On May 24th, the Bishop of London, or some other official, wrote on behalf of Whitgift to the Bishop of Peterborough, signifying that he looked for his certificate as to the fees received in his diocese, to be sent to him

"according to the true meaning of the canon in that behalf made. Otherwise his grace should be forced to take such course therein as he was unwilling to do."[413]

[404] D'Ewes, p. 559; Strype, Whit. p. 509.

[405] D'Ewes, pp. 562, 563, 567, 573, 575.

[406] D'Ewes, p. 565; Strype, Whit. p. 511 and p. 509, App. 220.

[407] D'Ewes, pp. 567, 573, 581, 584; Collier, VII. pp. 238—244.

[408] D'Ewes, p. 567; Strype, Whit. p. 509.

[409] It was perhaps owing to the interference of the civil courts that the ecclesiastical proceedings slackened, as mentioned by Neal, I. pp. 360, 374. For the case see Strype, Whit. p. 521.

[410] Id. p. 523; Wilk. Conc. IV. pp. 358, 359.

[411] Strype, Whit. p. 522.

[412] Id. p. 524; Wilk. Conc. IV. p. 359. It related to the absolution of recusants.

[413] The exorbitant fees and exactions of the bishops' officers had been dealt with by a canon in the last synod of bishops, requiring an account to be sent in to the archbishop. Strype, Whit. p. 531; Wilk. Conc. IV. p. 361.

Another, and perhaps a circular, letter to the same effect is dated June 9th.[414] On July 9th, Whitgift dedicated a chapel "as much as he might *de jure*, and by the laws and statutes of the realm."[415]

133. A.D. 1600. This year, as before, the "archbishop's courts and the rest of the bishops' officers" were "much let" by prohibitions, taking causes not only

"out of the archbishop's and bishops' courts, but even out of the hands of the queen's ecclesiastical commissioners and her court of delegates," the former authorised by a commission issued out immediately from the queen herself; and the other by a special commission upon an appeal to her court of chancery."

This resulted in the preparation by the bishops of certain notable queries, "for the consideration of the privy council and the judges."[416]

134. A.D. 1601. On May 22nd, Whitgift sent a circular letter to the bishops for the reformation of the many and great abuses in their commissaries' and officials' courts, so as if possible in some measure to anticipate, if not prevent, the action of parliament, and the not very unreasonable "clamours of the disaffected."[417] On the 28th, we have a "solemn instrument of absolution" granted to a couple who had married without either banns or licence, and had therefore fallen under the greater excommunication.[418] On August 6th, Whitgift dealt with some disorders complained of in cathedral churches.[419]

On October 27th parliament met, and the convocations

[414] Wilk. Conc. IV. p. 361.

[415] Strype, Whit. p. 531. For the forms of consecration agreed upon by convocation in 1712 and 1714, see Lewis, Hist. p. 121; Wilk. Conc. IV. pp. 667, 668.

[416] Id. pp. 537—541. In Michaelmas term, 1605, Bancroft, Whitgift's successor, exhibited articles to the privy council against the judges. They are given, with the judges' answers in the *articuli cleri*, 2 Inst. pp. 601—617; Collier, VII. p. 323.

[417] Wilk. Conc. IV. p. 364.

[418] Strype, Whit. p. 552.

[419] Wilk. Conc. IV. p. 366.

the next day. In convocation nothing of importance was done, save the grant of four subsidies and an exhortation by Whitgift to the bishops to be careful in their charges, and to observe the canons last made.[420] In parliament several bills were brought in that touched the state of the bishops and the rest of the clergy, one being against the abuses and oppressions of the archdeacons' and commissaries' courts. It probably had something to do with the requirements made by Whitgift in convocation.[421] The session closed as usual with an act for a general pardon.[422]

135. A.D. 1602. On January 7th, the primate followed up

[420] Id. p. 363; Card. Synod. II. pp. 580—583. The cautions were repeated in the letter of January 7th; post, n. 423. The date given in Wilkins and Cardwell for the meeting of the Canterbury convocation is October 18th, a mistake for the 28th, the day fixed for the York meeting.

[421] Bills touching episcopal leases, for the better observance of the sabbath, and against blasphemous swearing, were brought in, the first being thrown out on the second reading, the other read thrice and committed, and the last read twice and engrossed, but opposed by one speaker who pointed out that they had passed five bills, of swearing, going to church, good ale, drunkenness, etc., which was as good as giving the justices a subsidy and two fifteenths, for that a justice of the peace was but "a living creature, yet for a half dozen of chickens will dispense with a whole dozen of penal statutes." D'Ewes, pp. 623, 624, 625, 626, 628, 633, 651, 661. A bill against the fraudulent administration of intestate's estates was brought in, and passed both houses (43 Eliz. c. 8). Another against pluralities caused a hot debate, the speech of an old doctor of the civil law causing the house to hawk, spit, and keep "a great coil to make him make an end," for which unseemly conduct Sir F. Hastings sharply rebuked it. D'Ewes, pp. 634, 635, 640. A bill providing that, in cases of adultery, the man should lose his tenancy by courtesy and the woman her tenancy in dower, was opposed by Serjeant Harries on the ground that the fact must be proved by two or three blind witnesses in the ecclesiastical courts, which was no reason why ecclesiastical judges should deal with laymen's inheritances; and so upon the conclusion of the speech the house cried out, "Away with it," and on the speaker putting the question, groaned out an unanimous "No." Id. p. 641. Bills against wilful absence from church, and touching lands given to charitable uses (43 Eliz. c. 4) were also brought in and read, the last being passed. Id. pp. 642, 657, 663, 669, 682, 683. In the debate on the first, a Dr. Bennet said there were 1300 to 1500 recusants in Yorkshire, whom he vouched had all been presented both in the ecclesiastical court and before the council at York. Strype mentions a bill against commissaries' and archdeacons' courts as being brought in. Whit. p. 547. See also Parl. Hist. I. pp. 914, 922, 943, 951.

[422] The non-conformists were excepted out of it.

the matter of the reform of the "enormities" in the ecclesiastical courts by a circular letter to the bishops, setting out the most noted grievances, and pointing out the danger of the courts being, either the whole or most of them, swept away.[423] On June 22nd, he addressed, by the queen's command, a letter to all the bishops upon the decay of churches and chancels.[424] Nothing more of importance seems to have been done; and the queen's death, on March 24th the next year, closed a reign whose length sufficed to place the work of the Reformation upon a sure foundation, and to secure it for ever from successful attack.

[423] The proceedings *ex officio mero*, the frequent courts "vexing the subject and especially churchwardens with weekly attendance," the citation of the subject into two or three courts at the same time for one offence, the charge of the quarter bills, the admission of curates without reference to the bishop, the commutation of penances, the multitude of apparitors and hangers-on at each court, the exercise of an independent jurisdiction by archdeacons and other officials who could not at law be said "*exercere episcopalem jurisdictionem de jure*," were amongst the grievances noted. But the exactions of the ecclesiastical courts in Reformation times were trifling compared to the barbarities, atrocities, and tyranny of the papal usurpation. Wilk. Conc. IV. p. 366; Strype, Whit. pp. 549, 550.

[424] Wilk. Conc. IV. p. 367.

CHAPTER VI.

THE REIGN OF JAMES I.

From March 25th, 1603, *to March 27th*, 1625.

1. The king's accession raised the hopes of the puritans, who lost no time in framing the "Millenary Petition," which they presented to him whilst he was on his progress.[1] On May 7th, the king entered London, and soon after the effects of the "calm and still but deep petition" began to appear. The clergy and the two universities took great offence at its contents, the third article "for church livings" touching a very tender point; and the "scholars, being children of the prophets," and therefore "most proper for church revenues,"

[1] It was signed, according to some, by 825 ministers; but Fuller makes it 750. The petition itself speaks of the signatories as "we to the number of more than a thousand of your majesty's subjects and ministers." It desired a "reformation of certain ceremonies and abuses of the church." In the service book, objection was made to the use of the sign of the cross in baptism, of the cap and surplice, and of the ring in marriage, the length of the service and of church songs and music, bowing at the name of Jesus, and the reading of apocryphal and uncanonical scriptures, etc. Collier, VII. pp. 273—276; Strype, Whit. p. 565; Fuller, X. pp. 7, 21; Card. Conf. pp. 130—133; Neal, I. p. 391.

The Romanists also addressed the king, assuring him of their loyalty and asking for toleration and the free exercise of their religion, in private if not in public; and a note says that *the request was granted*. Their hopes of the king's conversion seem to have been raised, as he was born of Roman parents and received Roman baptism, his mother being even then, in the estimation of some, a martyr. Parsons wrote that prayers were being said for him in the seminaries, and that the pope was delighted with the *Basilicon Doron*. See Dodd, by Tierney, IV. p. 37, App. pp. lxiv. lxxi. lxxii.; Flanagan, II. p. 271; Lingard, VII. p. 15; St. Pap. Dom. James I. (1603—1610), Vol. I. Nos. 56, 84; III. No. 27; the letter to Mr. Hambleton in 1600, and the curious statements in the letter to the Bishop of Norwich. Halliwell, Let. II. p. 97; Ellis, Orig. Let. III. p. 216, 2nd ser.; and for an account of the king, id. pp. 197—201. See also Neal I. pp. 389—391. To Whitgift the king was a "Scotch mist," which the comforting assurances to Nevill scarcely served to dispel. Strype, Whit. p. 559; Warner, II. p. 477.

regarded with horror and dismay a proposal that "would cut off more than the nipples of the breasts of both universities in point of maintenance."[2]

2. The efforts of Whitgift to reply to these "clamorous libels and defamatory supplications" were speedily backed by the universities, that of Cambridge passing, on June 9th, a grace, whilst Oxford wrote and published an answer dedicated to the primate and others.[3] The petition itself seems to have had, for the time at least, some effect, for on June 30th, the archbishop sent round a circular to the bishops requiring information and immediate answers on the state of their dioceses.[4] On July 8th, the king wrote to the chancellors of the universities and heads of colleges, urging them to follow his example and restore the impropriate tithes. This brought the next day a letter of remonstrance from Whitgift to the king, stating reasons against the giving up of the university tithes.[5]

3. On July 12th, the privy council directed the 5th of August to be kept in every year as a holyday, leaving the framing of the form of service and thanksgiving to the primate, who accordingly, in pursuance of the injunction, on

[2] Fuller, x. p. 23. He also remarks that the "petition ran the gauntlet through all the prelatical party, everyone giving it a lash, some with their pens, more with their tongues, and the *dumb ministers* (as they term them) found their speech most vocal against it." Clause 3 ran: "That bishops leave their commendams, some holding prebends, some parsonages, some vicarages with their bishoprics. That double-beneficed men be not suffered to hold some two, some three benefices with cure; and some two, three, and four dignities besides. That impropriations annexed to bishoprics and colleges be demised only to the preachers, incumbents, for the old rent. That the impropriations of laymen's fees be charged with a sixth or seventh part of the worth to the maintenance of the preaching minister." Id. p. 24. See Neal, I. pp. 392, 393; Strype, Whit. pp. 564—568.

[3] The grace provided that whosoever should oppose by word or writing the doctrine and discipline of the Church of England, or any part thereof, should be suspended from his degrees and excluded *ipso facto*. Strype, Whit. p. 567; Collier, VII. p. 277; Neal, I. p. 393; Card. Conf. p. 135; Fuller, p. 23.

[4] Strype, Whit. p. 560; Wilk. Conc. IV. p. 368.

[5] St. Pap. Dom. James I. III. Nos. 37, 38, 39. Wilkins puts the date of the letter to Oxford as July 10th. Conc. IV. p. 369.

July 14th, took order in the matter.[6] On September 23rd, we find Bancroft applying for a royal warrant for the insertion of the king's name in a new edition by Barker, the king's printer, of the common prayer, which was "much wanted."[7] On October 8th, a king's letter to Whitgift directed a collection to be made for the city of Geneva, and on the 26th the primate wrote to the bishops accordingly.[8]

4. The puritans having sought a conference, the king, for various reasons, decided to grant it, and a meeting of divers of the bishops and other learned men was fixed for November 1st, before the king and privy council, but was, on October 24th, put off by the king till January, owing to the plague and other causes.[9] On the 26th, the king wrote to the primate to say that he desired to maintain the state of religion, but that he received such complaints that he wished a certificate of the number and quality of the ministers, and

[6] The privy council say, "We therefore, unto whom . . . . the direction for any certain rule and order therein to be observed doth more properly appertain." Wilk. Conc. IV. p. 370; Card. D. A. II. p. 40; Strype, Whit. pp. 561, 562.

[7] St. Pap. Dom. James I. III. No. 78.

[8] Strype, Whit. p. 563; Card. D. A. II. p. 48; Wilk. Conc. IV. p. 372.

[9] For the proclamation etc. see Wilk. Conc. IV. p. 371; Card. D.A. II. p. 43; Conf. pp. 133, 148; Strype, Whit. p. 568; Neal, I. p. 394; Collier, VII. p. 277; St. Pap. Dom. James I. IV. No. 28. The proclamation recites that the form and frame of the ecclesiastical part of the body politic was "agreeable to God's word and near to the condition of the primitive church," but that as time might have brought in some corruptions, the king had appointed the meeting for his instruction, information, and advice; and if he found any corruptions deserving review and amendment he would "therein proceed according to the laws and customs of this realm, by advice of our council, or in our high court of parliament, or by convocation of our clergy, as we shall find reason to lead us; not doubting but that in such an orderly proceeding we shall have the prelates and others of our clergy no less willing, and far more able to afford us their duty and service, than any other, whose zeal goeth so fast before their discretion." And the king's pleasure was that all his subjects should avoid "all unlawful and factious manner of proceeding . , . . by gathering the subscriptions of multitudes to supplications, by contemptuous behaviour of any authority by the laws resting in ecclesiastical persons, by open invectives and indecent speeches either in the pulpit or otherwise, or by disobedience to the processes proceeding from their jurisdiction." If anyone gave the king cause to think that he had "a more unquiet spirit than becometh any private person to have before public authority," he would make it appear by their chastisement how displeasing it was.

that novel ceremonies should be discouraged.[10] Whitgift, in preparation for the conference, had sent to the Archbishop of York certain queries concerning the points in dispute,[11] and in December he conveyed the king's commands, dated December 15th, to the bishops concerning recusants.[12]

5. A.D. 1604. On January 14th, came on the Hampton Court conference, lasting three days.[13] There were summoned on the part of the church, the primate, eight bishops, seven deans, and two doctors of divinity; the "agents for the millenaries" were only four. The bishops and deans being assembled in the privy chamber with the lords of the council, the door was shut by the lord chamberlain, and soon after the king came in, and began the conference with a speech.

The points on which he sought information were three:

1. "Concerning the book of common prayer and divine service. 2. Excommunication and the ecclesiastical courts. 3. The providing fit and able ministers for Ireland."

On the second day the puritans were admitted, only two bishops being present, when, after another speech by the king, Dr. Reynolds set out the matters disliked under four heads.

1. "That the doctrine of the church might be preserved in purity according to God's word. 2. That good pastors might be planted in all churches to preach the same. 3. That the church government might be sincerely ministered according to God's word. 4. That the book of common prayer might be fitted to more increase of piety."

[10] St. Pap. Dom. James I. IV. No. 33.

[11] The questions were: 1. Concerning appropriations. 2. Touching the government of the church, whether by bishops or presbyteries. 3. Concerning the common prayer, whether to set aside or alter. 4. Concerning the cross in baptism. 5. Of the prayer in the Litany against "sudden death." Strype, Whit. p. 570; and for the reply, App. pp. 231—236; Card. Conf. p. 151.

[12] St. Pap. Dom. James I. V. No. 25.

[13] For the names of bishops and ministers appointed on January 12th for the conference, and notes of things appointed by the king to be reformed in the ordinances of the church, see St. Pap. Dom. James I. VI. Nos. 15, 16, 25. On the whole subject, see Card. Conf. pp. 161—217, where Matthews', Barlow's, and Galloway's accounts are to be found. Wilk. Conc. IV. p. 373; Strype, Whit. pp. 571—576; Neal I. pp. 395—404; Collier, VII. pp. 277—308; Fuller, X. pp. 7—21: Lingard, VII. pp. 15—18; Dodd, II. pp. 326, 327.

Exception was taken, amongst other things, to the use of the sign of the cross in baptism, to the surplice and priest's square cap. Excommunication by lay chancellors was objected to, and clerical meetings were desired, to be held once every three weeks in the rural deaneries, and what could not be decided then to be referred to the archdeacon's visitation, and thence to the diocesan synod for final determination.

The second day's conference, the 16th, closed by the lord chancellor remarking, as he went out of the council chamber, that he had often heard and read "Rex est mixta persona cum sacerdote," but that he never before saw the truth of it.[14] On the third day, several civilians were called in, and the king "willed" that certain alterations should be made in the prayer book. The high commission was then discussed. The king objected to the number and meanness of the parties named, and that the offences dealt with were such as the ordinary in his court could censure.

The primate replied that although all the privy council, all the bishops, many of the judges, some of the clerks of the council were in, yet, without others being added, he would ofttimes be forced to sit alone. He then explained its necessity, and a discussion ensued on the subscription to the Three Articles, and the oath *ex officio*. On

[14] Card. Conf. p. 204. The king's account of it is given in a letter to his "honest Blake." He said, "We have kept such a revel with the puritans here these two days as was never heard the like, where I have peppered them as soundly as you have done the papists there. I see no reason that those that will refuse the airy sign of the cross after baptism should have their purses stuffed with any more solid and substantial crosses." The king had pointed out "that the material crosses, which in time of popery were made for men to fall down before them as they passed by them, to worship them (as the idolatrous Jews did the brazen serpent), are demolished as you desire." This Mr. Perry considers "important evidence of the fact of their demolition," and ranks it "with the language of Whitgift thirty years before," though the latter "spoke of crosses in *churches*, whereas the king's words seem rather to refer to crosses in *highways*," and, he adds, "the king's language is no evidence that he objected to crosses *simpliciter*." It "is the king's *fact*, what explanations or limitations so ever it may admit of." The view has the one merit of ingenuity, but there is no need to waste any time in discussing it. The crosses used in service in churches were demolished *by authority* as the puritans *desired*, and we know what that meant. Those that were in no way connected with ritual or ceremonial, or used directly or indirectly in public service or for worship, were allowed by authority to remain, as the memorial cross in West Cheape, mentioned by Stowe, Survey, p. 100, ed. 1842. Halliwell, II. p. 109; Strype, Whit. App. p. 239; Card. Conf. p. 201; Perry, Lawf. Ch. Orn. pp. 315, 316; ante, p. 295, n. 333.

this last point, Whitgift said that the king "undoubtedly spake by the special assistance of God's spirit." The writ *de excommunicato capiendo*, the recusants and preachers for Ireland, with other matters, having been treated of, the puritans were called in, and the alterations the king willed made were read over to them, to which they agreed, only that Masters Chatterton and Knewstubs severally besought that the use of the sign of the cross in baptism and the wearing of the surplice might not be forced on certain ministers in Lancashire and Suffolk. The king, however, would not agree, and Chatterton was reminded of "sitting communions at Emmanuel," which, he said, was so, the seats being so placed.[15]

In the end they promised to be "quiet and obedient, now they knew it to be the king's mind to have it so;" and so, after an address by the king, so piercing "that it fetched tears from some on both sides," and a thanksgiving prayer by the Bishop of London, the conference ended, the king going to his chamber and the privy council to theirs, to appoint commissioners in the several matters referred to.[16]

6. On February 9th, a petition was delivered to the king by three or four knights of Northamptonshire in favour of the non-conformist ministers. It took so great an effect upon him that he is said to have sat the next day for eight hours in council, inveighing against both puritans and papists, and charging the council, both the landlords and the bishops, to see that the laws were forthwith executed against offenders.[17] As a consequence of this, on the 13th, the charge being given as usual in the Star Chamber at the end of term,

[15] A toleration for a time was, however, granted to the Lancashire ministers in the matter of surplice and cross in baptism. Strype, Whit. p. 577. "Generally," says Johnson, "there are in every chancel pews fastened to the freehold for the use of the people when they communicate." It was not the pew, but the *sitting*, when receiving, that was the offence. Vade Mecum, I. p. 179.

[16] For the royal approbation of the articles drawn up, see St. Pap. Dom. James I. VI. No. 27. For the commissions appointed by the lord chancellor as the king willed, and the matters left to them, see Strype, Whit. p. 577; Card. Conf. p. 209.

[17] Ellis, Orig. Let. III. p. 216, 2nd ser. The king said "that his mother and he from their cradles had been haunted with a puritan devil, which he feared would not leave him to his grave." He then expressed his utter detestation of the Roman "superstition."

occasion was taken to declare the king's displeasure against the disturbers of the state, whether papists or puritans; and the lord chancellor put the question to the judges,

"whether those men that were deprived for not conforming themselves could be restored by law? They answered, No."[18]

7. On the 9th, too, the king by his letters patent allowed and ratified the alterations made by the metropolitan and the ecclesiastical commissioners in the prayer book, ordering it to be printed by Barker, and its use, by the minister of every parish, to be enforced in both provinces, and to be duly

"observed according to the law in all the other parts, with the rites and ceremonies therein contained and prescribed for him to observe."[19]

On the 22nd, all Jesuits and seminary priests were ordered to quit the kingdom by March 19th.[20] On the 29th, Whitgift died; and, on March 5th, a proclamation enjoined the use of the amended prayer and communion book, within such time as the bishops might think good to limit.[21]

[18] Ellis, Orig. Let. III. p. 217; ante, p. 305, n. 374. Two other questions were put as to papists and petitions.

[19] They were the primate and the other commissioners for causes ecclesiastical, who were, as we have seen, all the privy council, all the bishops, etc. The king recites the 1 Eliz. c. 2, and the power to take "further order" concerning "any ornament, rite, or ceremony." This clause of the act, however, provided for the publishing "further ceremonies or rites," but said nothing about taking "further order" in the matter of ornaments. For the letters patent see Card. Conf. pp. 217—225; Rymer, XVI. p. 565; and see 1 Hawk. 140; Hale, P. of C. I. p. 100; 2 Inst. p. (742); 4 Inst. p. 201.

[20] On the "Bye" treason, see Dodd, by Tierney, IV. pp. 4—7; and Flanagan, II. p. 273. See also Wilk. Conc. IV. p. 376; Strype, Whit. p. 585; Card. D. A. II. p. 50; Dodd, II. p. 437. How many of the class there were in England at the time does not appear, but in 1636 there were about 500 or more seculars, 250 Jesuits, 100 Benedictines, more or less, 20 Dominicans, as many Carmelites, more than 30 Franciscans, 4 Scotch and English Capuchins, and as many Minims, all of them (save perhaps the seculars) the stormy petrels of so-called "religious" strife; and the king was careful to point out that he banished them not for religion, but for maintaining the pope's temporal power over princes. See Flanagan, II. p. 323.

[21] The proclamation stated that no real change was made "in the doctrine which appeared to be sincere, nor in the forms and rites, which were justified out of the practice of the primitive church." It referred to the agreement come

8. On March 19th parliament, and, on the 20th, both convocations, met.[22] The promise of conformity and the settlement of disputed questions made at the Hampton Court conference,[23] as well as the commencement of another reign, seemed to make it a favourable time both for a consideration and revision of the various articles, injunctions, and laws that had been from time to time made in church and ecclesiastical matters, and for the compilation of a code of canons for the good government of the clergy and church.

9. Bancroft having been appointed president, the southern convocation proceeded, on April 13th, to business, when

to at the Hampton Court conference, when all the learned men who were there present "promised their conformity in the practice of it, only making suit" that "some few might be borne with for a time"; and it required conformity to be insisted on by the bishops and all public ministers, as well ecclesiastical as civil, who were to do their duty in punishing offenders, pointing out that the "unquietness and unsteadfastness of some dispositions, affecting every year new forms of things, if they should be followed in their inconstancy, would make all actions of states ridiculous and contemptible." Card. D. A. II. p. 56; Wilk. Conc. IV. p. 377; Strype, Whit. p. 585; Card. Conf. p. 225; Collier, VII. p. 309; Can. 80.

[22] The York convocation did not meet for business, but was prorogued by successive writs to January 22nd, 1606. Wilk. Conc. IV. pp. 379, 426.

[23] "Henceforward," says Fuller, "many cripples in conformity were cured of their former halting therein, and such as knew not their own, till they knew the king's mind in this matter, for the future quietly digested the ceremonies of the church." Ch. Hist. X. p. 21. All, however, were not so content, thinking that their delegates had been partly dazzled with the "light of the king's majesty, partly daunted with the heat of his displeasure," and are said to have requested a week's space to deliver written answers to the bishops' arguments. Who, or how many they were, we are not informed. Id. p. 21; Neal, I. p. 403. Practically, and as a fact, when convocation met there were no questions of the *maximum* or *minimum* of observance to be disposed of or dealt with. Neither the king nor the bishops had any idea of that kind, nor that the "tolerant recognition of divergent ritual practice," or "of wide diversities of ceremonial," was an immediate need of the church, or consistent with its orderly government and well being, or, in fact, with its existence as a body governed by law. Whitgift, who was "a severe governor of the church, pressing conformity with the utmost rigour, in which her majesty always gave him her support, regarding neither the entreaties of poor ministers nor the intercessions of courtiers, being steady to the laws and even outgoing them in the cause of uniformity," was succeeded by Bancroft, "who pursued the puritans without the least compassion," and enforced the order of the canons with unrelenting strictness. Neal, I. pp. 405, 418; and see Heylyn, Cyp. Ang. p. 58; Collier, VII. p. 320.

he is said to have presented the royal licence, dated the 12th, to treat and agree upon canons.[24] On the same day, a committee of bishops was nominated by the president to confer with the House of Commons about complaints made against the clergy, but the committee were to tell the commons the clergy grievances put on them by the laity.[25] The commons, however, declined, on the 18th, to confer with the bishops save as lords of the upper house of parliament, "and not in such condition and quality as they are in the convocation house"; and on the same day the Bishop of London communicated to the lower house the fact that the commons refused their consultation, and had made their complaints to the lords.[26] On May 2nd, Bancroft gave to the prolocutor a book of canons, directing him "to take a committee of eight or ten to consider of them." On the same day, a petition for the reformation of the book of common prayer was presented to the lower house, but Bancroft and the other bishops met it by a command of obedience and assent, to the "liturgy established by the royal authority," by the 24th of June.[27] An oath against simony was proposed to be taken by all, but was opposed by the Bishop of St. Davids, and the matter appears to have dropped.[28] In the thirteenth session, the committee of the lower house met that of the upper, "to consider the book of

[24] The licence was given to "Richard, bishop of London, and others, *during this parliament*, to confer, treat, and agree of and upon such canons, orders, and constitutions ecclesiastical as they shall see fit and necessary and convenient for the service of Almighty God." Grant Book, fo. 5, where the date is given as June 20th. For that given to York, where it was "for this present parliament now assembled," see Wilk. Conc. IV. pp. 379, 427; Wake. App. No. 157, p. 237; see also Card. Synod. II. p. 584; Strype, Ann. IV. p. 396; Atterbury, pp. 430—433, on the subject.

[25] Strype, Ann. IV. p. 396; Wilk. Conc. IV. p. 379; Card. Synod. II. p. 584.

[26] Id.; and see Parl. Hist. I. p. 1023, and post n. 68.

[27] "Liturgiae regia auctoritate stabilitatae." Strype, Ann. IV. p. 396; Card. Synod. II. pp. 584, 585; Wilk. Conc. IV. p. 379; Lathbury, p. 203. The canons were compiled by Bancroft, and were "the sum of the queen's articles, orders of her commissioners, advertisements, canons of 1571 and 1597, which were in use before, but also many more were added." Heylyn says that Bancroft had the sole management of the convocation "in which he passed that excellent body of canons and constitutions ecclesiastical, to serve for a perpetual standing rule to the Church of England." Fuller, X. p. 28; Heylyn, Cyp. Ang. p. 58; Collier, VI. p. 319; Neal, I. p. 408.

[28] Fuller, X. p. 28; Joyce, Synod. p. 624.

canons and despatch it."[29] On May 18th (the sixteenth session), the king's letter, with a copy of the thirty-nine articles annexed, was read, requiring the subscription of both houses unto them, which was done.[30] On May 30th, a claim of privilege of parliament was made, on his own behalf, by the prolocutor; and, on June 13th, the book *Limbo-mastix* was referred to a committee, and finally the book of canons, approved and confirmed by the king's letters patent under the great seal, was sent to be printed, convocation being prorogued, on July 9th, to February 8th, and thence by various writs to November 6th, 1605.[31]

The letters patent recited that the king, for himself and his heirs and lawful successors, and according to the form of the statute, did by virtue of his

"prerogative royal and supreme authority in causes ecclesiastical, ratify, confirm, and establish . . . the said canons, ordinances, and constitutions, and all and everything in them contained . . . to be diligently observed and equally kept by all . . . subjects of this our kingdom, both within the province of Canterbury and York." Every minister to read them over once every year in the parish church or chapel, and all bishops and others having any ecclesiastical jurisdiction to see them duly observed.[32]

[29] Lathbury, p. 203; Joyce, Synod. p. 624. The book appears to have passed the committee of the lower house without difficulty or opposition. Neal, I. p. 411. In the upper house there was, on the 23rd, a hot debate on the use of the sign of the cross in baptism, but it was stopped by the authority and order of the president, who would allow of no non-conformity. Neal, I. pp. 408—411; Warner, II. p. 487; Card. Synod. II. p. 585; Wilk. Conc. IV. p. 579; Strype, Ann. IV. p. 397.

[30] The book, when subscribed, was to be kept by the Bishop of London and the president. Strype, Ann. IV. p. 397.

[31] Card. Synod. II. p. 586; Wilk. Conc. IV. p. 379; Collier, VII. p. 319; Strype, Ann. IV. p. 397.

[32] Card. Synod. I. pp. 328, 389; Davis, Canons, p. 121. To the letters patent a copy of the English canons was annexed; this, therefore, is the one that was ratified and enacted, and not the Latin copy, although said to be prepared at the same time. "The Latin canons," says Heylyn, "are not now in force, as to the phrase and Latin of them, for they were passed in English in the convocation and confirmed in English by King James. The Latin translation is of no authority, of no force at all." Antid. Lincoln, p. 289; and see Atterbury, p. 433. Mr. Hope complains that the Judicial Committee, in the Purchas case, "overlooked" the Latin canons. They could hardly do otherwise, seeing that the

10. Of the 141 canons,[83]

Can. 1 and 2 relate to and define the supremacy of the crown over the Church of England, which is "by law established under the king's majesty."[84]

By Can. 4—12 inclusive, impugners of the established form of public worship, or of the thirty-nine articles, or of the rites and ceremonies, or of the government of the church under his majesty, or of the forms of consecration or ordination, together with the authors of schism, as well as maintainers of schismatics and of conventicles, or of constitutions made in them, were to be excommunicated (the 10th and 11th excepted) *ipso facto*.[85]

Latin copy was not authorised. Worship, etc., p. 95; see Steph. Eccl. Stat. p. 2007. The power being exercised according to the form of the statute, could only avail to confirm the canons for the Canterbury province. But as the reception by York, in 1462, of the Canterbury provincial constitutions was still in force, the canons of the one province would bind the other. Their subsequent acceptance and formal subscription by the York synod cured any possible defects. The convocation of Canterbury, on June 29th, 1865, altered the 29th, 36th, 37th, 38th, and 40th canons, but the alterations were not confirmed by the crown. Davis, Canons, p. 123. Such of them as are in force "are unrepealed laws of the Church of England." See App. A, H; and ante, p. 5, n. 10.

[83] It is well to bear in mind that in 1604 the bishops who met the clergy convocation had a full, and in many cases a personal, knowledge of the actual facts, meaning, and force of the Elizabethan legislation, and many members of the lower house must have been in the like case. Bancroft, the president, was born in 1544, and had been chaplain to Egerton, L.C., and the ally and friend of Whitgift; Hulton was born in 1529; Bridges, the bishop of Oxford, in 1528; Yong was consecrated in 1577; Chaderton in 1579; and Overton in 1580. Bancroft, in consolidating the church law, would thus be both competent for the work and (in church matters) careful to avoid mistakes, inconsistencies, and conflicting enactments; and there was, as we have seen, no question of *maximum* or *minimum* to meet. The prayer book had been already altered, and, rubric and all, was before, and well-known to, both the bishops and convocation. It must be presumed that the code was meant, and supposed to be, in harmony (and not in conflict) with the acts of uniformity and rubrics then in force. We have therefore in the canons of 1603 the "law of the church" authoritatively laid down by competent authority, *not* for the toleration of divergent ritual practice, but to secure one uniform order on the subjects on which it treats; and to this law, as now in force, the clergy are bound to honestly render all due and canonical obedience.

[84] Can. 3; 37 Hen. VIII. c. 17, §§ 2, 3. See the king's letter of December 11th, 1714, directing the observance of Can. 1, Wilk. Conc. IV. p. 666; and Sancroft's articles, Card. D. A. II. p. 324, § 7.

[85] Ante, p. 228, n. 122; 3 Jac. I. c. 5, § 11; Steph. Eccl. Stat. p. 525. The excommunication *ipso facto* denounced by the canons seems to

Can. 13 provided for the due celebration of Sundays and holidays.

Can. 14 directed the common prayer to be said in such place as the bishop or ordinary might think meet, being guided by the size of the church and the edification of the people. It also directed all ministers to "*observe the orders, rites, and ceremonies prescribed* in the book of common prayer, as well in reading the scriptures and saying of prayers as in administration of the sacraments, *without either diminishing* in regard of preaching, or in any other respect, *or adding anything in the matter or form thereof.*"[36]

Can. 15 regulated the Wednesday and Friday weekday services.[37]

have been meant for open and notorious offenders against the doctrine and discipline of the church (for, in fact, those disaffected ministers who insisted on retaining their preferments whilst disobeying its laws and impugning its government), rather than for those avowed dissenters who had already separated from church communion. The excommunication *ipso facto* Lyndwood defines thus: "et est dicere *ipso facto*, ac si diceret, *ipso jure*, scilicet nullo hominis ministerio interveniente;" and he explains *ipso jure* thus: "sic ergo non est opus executione, sed tantum ut super hoc fiat declaratio ut videtur. . . Sumitur enim hic *ipso jure, i.e.* legis sive constitutionis potestate, sic quod non sit opus facto hominis." Excommunication *ipso facto* et *ipso jure* were innovations of the thirteenth century, resulting from and following upon the novelty of the general excommunication then introduced. Deprivation and suspension *ipso facto* were first in vogue in England about A.D. 1237. Excommunication *ipso facto* takes effect from the moment that the offence is committed, and not from the time of any sentence; and the offender, in intendment and contemplation of law, is looked upon as excommunicate *ab initio*, although the formal sentence be not denounced till long after; but as "gladius excommunicationis" is "nervus ecclesiasticae disciplinae," and so, "sobrie et circumspecte utendum," hence originally no one was excommunicate except after admonition and warning. Lyndw. Prov. Lib. I. Tit. 10, n. i, p. 51; Lib. II. Tit. 1, n. b, p. 92; Const. Othon. pp. 40, 71, 72; Johns. E. L. II. 1200, 7; 1237, 15, 29; 1391, n. e; Index, s.v. *Ipso facto*; Godolph. pp. 624—630; Wilk. Conc. IV. p. 654; Van Espen. p. 919; Degge, p. 101; Dyer, II. p. 75 *b*; Alston *v.* Atlay, 7 Add. & Ell. p. 306; and now see Escott *v.* Mastin, Brod. & Free. p. 13. On deprivation *ipso facto* under the acts of uniformity, etc., see Godolph. p. 307; Steph. Eccl. Stat. p. 312, n. 1. On Can. 9—12, see the toleration and other acts, 1 W. & M. c. 18; 7 & 8 Vict. c. 45; 9 & 10 Vict. c. 59; 18 & 19 Vict. c. 86; 23 & 24 Vict. c. 32, etc., protecting non-conformists and allowing separate worship and rules made without the authority of the crown. These canons are thus set aside or, in the opinion of some, "overridden" by the acts.

[36] See Can. 58. This does not apply to additions or alterations made by lawful authority. C. P. Interl. p. 346.

[37] Ante, p. 70, § 71; p. 180, § 1; Card. D. A. I. p. 15; Robertson, p. 149; Wheatley, p. 106; Parker, Introd. p. xxxvii.

Can. 16 required the order, form, and ceremonies of the common prayer to be duly observed in all colleges and halls, "*without any omission or alteration*," the 17th canon directing surplices to be worn by the members on saints' days, Sundays, and their eves, and graduates to wear their hoods.

Can. 18 provided for the reverent and attentive behaviour of the congregation during service;[38] the 19th forbidding loiterers near the church at such times.

Can. 20 orders the churchwardens, at the cost of the parish and with the advice and direction of the minister, to provide a sufficient quantity of fine white bread and of good wholesome wine, the wine to be brought to the communion table[39] in a pot or stoop of pewter or purer metal; whilst the 21st—23rd regulated the times and manner of receiving.

Can. 24 directs the communion to be administered in collegiate and cathedral churches "upon principal feast-days, sometimes by the bishop, if he be present, and sometimes by the dean, and sometimes by a canon or prebendary, the principal minister using a decent cope, and being assisted with the gospeller and epistoller, agreeably to the Advertisements published anno 7 Eliz.[40] The said communion

[38] "All manner of persons" includes the minister.

[39] The orders of the Bishop of St. Asaph in 1683 direct the bread to be "*cut* by the minister before prayers," and with a sufficient quantity of wine, proportioned to the number of communicants, to be set upon the table covered with a napkin before the prayer for the church militant, and nothing else to be suffered to stand on the table. Wilk. Conc. IV. p. 608. But the legality of *cutting* up the bread may be doubted. It should be *broken*. See Bancroft's Vis. Art. of 1605; Rit. Com. Rep. II. p. 450, § 16. "That shall from time to time receive *there*," *i.e.* at the table itself. In the form "We do not presume to come to this Thy table," the priest speaks in the name of "all who shall receive," who all do in fact "communicate *with* the priest." The receiving at rails, instead of the table, is a breach of the law of the church and a violation of primitive, Christian, and catholic use. See ante, n. 15. Laud appears to have introduced both the rails and the custom of receiving either at the rails, if there were any, or at the chancel steps. Wilk. Conc. IV. pp. 479, 518, 526, 527, 550; Can. 7 of 1640; Andrewes' Minor Works, p. xcvii.

[40] The order adopted and enforced is that of "the Advertisements published anno 7 Eliz.," and convocation here recognises their legality. The "Book of Articles" was settled in March, 1564, the Advertisements were "made" on "January 25th, in the seventh year of the queen." Ante, pp. 237, 281. They were not, however, "issued by the sole authority of the crown," as a whole, until 1566. "The principal minister" of the "cathedral and collegiate churches" did

to be administered at such times and with such limitation as is specified in the book of common prayer.[41]

Can. 26—28 forbids the admission of notorious offenders, schismatics, or depravers of the book of common prayer, or of the royal supremacy, and strangers, to the communion.

Can. 29 prohibits fathers to be godfathers and children being communicants.

Can 30 explains the use of the sign of the cross in baptism.[42]

Can. 31—35 regulates the times of ordination, and the titles, quality, and examination of such as are to be made ministers.[43]

Can. 36—38 require subscription to the celebrated "Three Articles" before the diocesan, and direct revolters after subscription to be censured, non-conformity to be punished by suspension, to be

and does not include "the bishop if he be present." Ante, p. 226, n. 118. This canon (like Can. 20—22) is supplemented by the rubrics of 1662. The enforcing the order of the Advertisements and directing the use of but one cope, and that only in cathedral and collegiate churches, and at communion on principal feast days, and at such time as was limited and specified in the C. P., admits of but one explanation. Convocation appears to have deliberately set aside the requirements of the rubric and proviso, as well as to have forgotten the order of 1573, ordering all copes to be defaced, so that they may not hereafter serve to any superstitious purpose. They appear to have taken it that the order of the Advertisements was law, and also that the retention of the one cope ordered in and by them, was not more inconsistent with the order of 1573 than the lawful exception is with the rule it proves. The few dozen copes allowed by law were as nothing to the host of canons or choral and processional copes destroyed.

[41] This, of course, means the book of James I.

[42] This canon recognises "The Apology," and states the principle of the Church of England to be: "That it doth with reverence retain those ceremonies which do neither endamage the Church of God nor offend the minds of sober men," and that it only forsook and rejected the practice of other churches "in those particular points wherein they were fallen both from themselves in their ancient integrity and from the apostolical churches, which were their first founders," the sign of the cross being retained, "following therein the primitive and apostolical churches," and "reduced in the Church of England to the primary institution of it." The rubric at the end of the baptismal service (in the book of 1662) expressly affirms this canon.

[43] The canons relating to the ordination of ministers were directed in 1689, and by the royal injunctions of 1694, to be "strictly observed," and bishops were ordered to transmit to the archbishop of their province a list of persons ordained, as directed by the canons of 1584. Wilk. Conc. IV. pp. 481, 582, 613, 622, 624, 671; Card. D. A. II. pp. 328, 330, 331; see 50 Geo. III. c. 60, § 1; 15 & 16 Vict. c. 52, § 3.

followed in a month, in case of disobedience, by excommunication, and if no submission within the space of another month, by deposition.[44]

Can. 39 cautions bishops not to institute to any benefice unworthy persons.[45]

Can. 40—44 deal with simony, pluralities, non-residence of ministers and cathedral dignitaries, and with preaching.[46]

Can. 45—47 order that every beneficed man, allowed to be a preacher, shall preach in his cure once each Sunday of the year, and those not so allowed to procure monthly sermons to be preached, if the living will admit of it; on the other Sundays one of the Homilies to be read; but where the incumbent is non-resident his cure to be supplied by a licensed preacher, if able to bear it.[47]

Can. 48 regulates the appointment of curates.[48]

Can. 49 forbids ministers, not allowed to preach, to expound, but directs them to read the Homilies.

Can. 50—52 forbid unlicensed and unauthorised strangers preaching either in churches or cathedrals, and direct the names of strange preachers to be entered in a book,[49] whilst

Can. 53 directs that there be no public, and of purpose, opposition between preachers;[50] and by

[44] Can. 36—38. The Roman canon law in correcting the clergy used: 1. A monition, *ut desistant*. 2. Excommunication, *si non paeniteant*. 3. Suspension, *si differant*. 4. Deprivation, *si perseverent*. 5. Suspension of orders or degrees, *si obstinate contendant*. 6. Imprisonment in a monastery, etc., *si indurati existant*. 7. Imprisonment for life, *si incorrigibiles existant*. 8. Degradation and delivery to the secular power. Fulbecke, Paral. II. pp. 7, 8. The sanction thus given to the obnoxious "Three Articles" did away with the objections made to their authority and force. Ante, p. 287. On these articles see now the Clerical Subscription Act, 28 & 29 Vict. c. 122, §§ 7, 10, 15; the new canons of 1865; Wilk. Conc. IV. pp. 459, 475, 574.

[45] See Can. 95; Bishop of Exeter *v.* Marshall, L. R. 3 E & I. Ap. p. 17; Gorham *v.* Bishop of Exeter, Brod. & Free. p. 102.

[46] See the Clerical Subscription Act, § 15; the canons of 1865; Wilk. Conc. IV. pp. 624, 440, 444; 3 & 4 Vict. c. 113, § 3; 13 & 14 Vict. c. 94, § 19; c. 98, § 59.

[47] See Wilk. Conc. IV. pp. 480, 576—578, 594, 440, 667.

[48] This canon applies to curates only. Bishop of Exeter *v.* Marshall, L. R. 3 E & I. Ap. p. 17; and see Wilk. Conc. IV. pp. 624, 667.

[49] Ante, p. 269.

[50] See Wilk. Conc. IV. pp. 459, 625, 666; Card. D. A. I. pp. 340, 366. The Bible, the thirty-nine Articles, and the Prayer Book are the standards of doctrine, with which no one is to disagree.

Can. 54. All licensed preachers who refuse to conform to the laws, ordinances, and rites ecclesiastical of the church are to be admonished by the ordinary, and in default of conformity within a month the licence to be void.[51]

Can. 55 sets out the form of bidding prayer.[52]

Can. 56 provides that beneficed and stipendiary preachers should read divine service and administer the sacraments twice yearly "with the observation of all such rites and ceremonies" as are "prescribed by the book of common prayer," on pain of suspension and removal.[53]

[51] Under this canon, still in force, it is the duty of every bishop or ordinary to silence wilful offenders against common order and law.

[52] Ante, pp. 181, 206; Wilk. Conc. IV. pp. 460, 518, 526, 667; Card. D. A. II. pp. 201, 367. This canon defines the term "Holy Catholic Church" as meaning, "the whole congregation of Christian people dispersed throughout the whole world," subject, as was declared at the beginning of the Reformation, to Christ, "the only Head and Governor." Ante, pp. 55, 56. The rejection of the theory that an Italian laic or priest was the Vice-Christ on earth (*ὁ ἀντὶ Χριστοῦ τεταγμένος*), and that, as is still boldly affirmed, the apostolic throne was "God's visible presence" seems to have been unanimous, no one of the seculars resigning his office or cure. See Tablet, March 18th, 1876, p. 360. The Vatican council, in making the pope a Vice-God, has formally affirmed: "Romanum Pontificem habere . . . plenam et supremam potestatem jurisdictionis in universam ecclesiam *non solum in rebus quae ad fidem et mores, sed etiam in iis, quae ad disciplinam et regimen ecclesiae per totum orbem diffusae pertinent*"; and has charitably damned those who deny it. And the chapter, "*De Romani Pontificis infallibili magisterio*," gravely lays it down, "Pontificem Romanum, Verum Christi Vicarium, totius que Ecclesiae caput et omnium Christianorum patrem et doctorem existere; et ipsi in beato Petro pascendi, regendi ac gubernandi universalem Ecclesiam a Domino nostro Jesu Christo plenam potestatem traditam esse." And we read: "quoniam divino apostolici primatus jure Romanus Pontifex universae Ecclesiae praeest, docemus et declaramus, eum esse judicem supremum fidelium, et in omnibus causis ad examen ecclesiasticum spectantibus ad ipsius posse judicium recurri; sedis vero Apostolicae, cujus authoritate major non est, judicium a nemine fore retractandum, neque cuiquam de ejus licere judicare judicio." All such false pretensions the English Church rejected and put aside for ever at the Reformation, as having no warrant of scripture or catholic antiquity. Not that they were then new, for Bernard of Clairvaux had long before written that, "bestia illa de Apocalypsi, cui datum est *os loquens blasphemias* et bellum gerere cum sanctis, Petri cathedram occupat"; and Gregory I. had foreseen the near approach of the king of pride. Acta et Dec. Conc. Vat. Sess. IV. Const. Dog. III. IV. pp. 184, 185; Bern. Op. col. 1507.

[53] This canon was aimed at those who held livings or lectureships and did not care to conform, and perhaps also, as Sharp observes, at pluralists. See the king's

Can. 57 directs the sacraments not to be refused at the hands of unpreaching ministers.

Can. 58 orders "every minister saying the public prayers, or ministering the sacraments or other rites of the church, to wear a decent and comely surplice with sleeves, to be provided at the charge of the parish." Any question touching the matter, decency, or comeliness thereof to be decided by the ordinary. University hoods to be worn by graduates over their surplices, under pain of suspension; ministers not graduates to wear a decent tippet of black, but not made of silk.[54]

injunctions of 1633, and the resolutions of convocation in 1662; Wilk. Conc. IV. pp. 480, 575; Card. D. A. II. pp. 177, 280; and the 13 & 14 Car. II. c. 4, § 7; see also Can. 74.

[54] This canon adopts and enforces the order of the Advertisements, verbatim, as to the surplice. The fourteenth canon directed all ministers to observe the orders, rites, and ceremonies of the book of common prayer without any variation, and so (if the "other order" had not been taken) prescribed the ornaments of King Edward VI.'s first book. The fifty-eighth canon merely directs the use of a surplice at *all* times of ministration. To Cosin, who was a little boy in 1604, and plainly knew nothing about the matter, the two canons appeared conflicting and contradictory. But, at a later period, he added the curious note, "the act of parliament, I see, refers to the canons, and until such time as other order shall be taken." But the act could, and did, not refer to the canons of 1604, for they were not in existence in 1559; Cosin, however, clearly took it that "other order" had been taken according to the act, and his difficulties ceased. And he enforced the order, not of the rubric but, of the canons in his official capacity as archdeacon and bishop, both before and after the revision of 1662. We must go by his official acts, by what he did and not what he said. The very fact that he was put on enquiry, and that his difficulties then vanished, renders his subsequent official action—which, under any circumstances, would have been conscientious and honest—all the more conclusive and valuable. Cosin was not a man to insist on a mere surplice, when to his own knowledge the law of the church ordered the vestments. But there is one fact that is decisive, and that is the opinion of Bancroft. In his diocesan visitation in 1601, having enquired whether the minister used the rites and ceremonies prescribed in the book of common prayer, he asks (unintelligibly enough, if the "other order" were not taken), "whether there be any in your parish who are noted, known, or suspected to keep hidden in their houses any mass books, portesses, breviaries, or other books of popery and superstition, or any chalices, *copes*, *vestments*, *albs*, *or other ornaments of superstition*, uncancelled or undefaced, which it is to be conjectured they do keep for a day, as they call it." Now, if Bancroft held the ornaments to be still legal, this enquiry is inexplicable. And as he framed the canons some three years afterwards, there is no difficulty in determining what he, at all events, meant by them. In his 1605 visitation he enforces the form of service prescribed in th

Can. 59—64 deal with Sunday catechizing, confirmation, marriage, and holydays.[55]

Can. 65—67 relate to recusants, excommunicates, and the visitation of the sick.[56]

Can. 68—70 regulate christening and burying, and direct a register of both and of weddings to be kept safely in a coffer with three locks.

Can. 71—76 regulate preaching and communion in private houses, and forbid unauthorised fasts, prophesyings, exorcisms, private conventicles, new-fangled apparel, cards, and vain conversation, and the voluntary forsaking of the ministerial calling.[57]

book by merely requiring, like all the other bishops, a surplice, with a hood for graduates. And his successor, Archbishop Abbot, repeats, in 1611, the enquiry as to the copes or other vestments, and so does King, the bishop of London, in 1612; whilst Bridges, the bishop of Oxford, asks, in October, 1604, "whether all monuments of superstition be defaced and clean removed, as altars, rood lofts, *vestments*, holy-water stoops, images, and all popish books." Rit. Com. Rep. II. pp. 438, art. 7; p. 450, art. 12, 32, 42; p. 461, § 63; p. 467, § 31; p. 444, § 5.

[55] Can. 59. See Sancroft's articles and the king's injunctions, Wilk. Conc. IV. p. 618, art. 4; p. 624, § 14; Card. D. A. II. pp. 323, 332; also the rubric of 1662, which the articles and injunctions shew was not meant to repeal or supersede the canon.

Can. 61. See royal letter of business to convocation, Wilk. Conc. IV. p. 667.

Can. 62. See now the rubric of 1662, the marriage acts, the draft of the canons of 1714, and the king's letter of 1715. Wilk. Conc. IV. pp. 659, 667.

Can. 63. See Wilk. Conc. IV. p. 659, and the acts abolishing exempt jurisdictions.

Can. 64. See the rubric of 1662.

[56] Can. 67. See Sancroft's articles enforcing this canon, Wilk. Conc. IV. p. 624, art. 13.

[57] Can. 74. This regulates the dress of the preacher. In the king's orders of 1633, lecturers were to read divine service in their surplices and hoods, but to "ever preach in such seemly habits as belong to their degrees, and not in their cloaks." The royal injunctions of 1674 forbid written sermons, and direct extempore preaching at the university of Cambridge. Wilk. Conc. IV. pp. 480, 594; Card. D. A. II. p. 178. Babington, bishop of Worcester, asks, in 1607, whether "have they, or any other, preached in your church not being soberly and decently apparelled, acccording to the seventy-fourth canon." Rit. Com. Rep. II. p. 453, § 15; and see ante, p. 226, § 38, 4; and the canons of 1571, p. 266, n. 274.

Can. 75. See the articles of 1694 and the declaration of convocation to make this canon "more effectual." Wilk. Conc. IV. pp. 624, 669.

Can. 76. See now 33 & 34 Vict. c. 91; 1 & 2 Vict. c. 106, §§ 28—31.

Can. 77—79 refer to masters in public or private schools.

Can. 80—86 require "the book of common prayer, lately explained in some few points by his Majesty's authority, according to the laws and his Highness' prerogative in that behalf," to be got within two months of the publishing of these "our constitutions," and if needful the bible of the largest volume, and the books of Homilies allowed by authority, also to be got, at the cost of the parish. A stone font to be put in the ancient usual place, "according to a former constitution." A convenient and decent table to be provided and placed for the communion, and kept and repaired in a sufficient and seemly manner, and covered in time of divine service with a carpet of silk or other decent stuff, thought meet by the ordinary of the place if any question be made, but covered with "a fair linen cloth at the time of the ministration," when it was to be placed within the church or chancel, so that the minister might be more conveniently heard and the communicants in the more number communicate with the minister.[88] The ten commandments to be set up at the east end, where the people can see and read them, and chosen sentences to be put on convenient places upon the church walls, with a convenient seat (or reading pew) and a comely and

[88] Can. 81. "Our constitutions." Upon the confirmation and enactment, or publishing "by the letters patent," they became the king's canons. They were brought over and applied to our present book of common prayer by the 13 & 14 Car. II. c. 4, § 20 (rev. ed.); ante, p. 5, n. 10.

Can. 82. This canon, whilst adopting and enforcing (verbatim) the order of the queen's injunctions of 1559 as to the place of the table at communion-time, omits their directions as to its position at other times. The council order of November 3rd, 1633, directed it to be placed altarwise at the upper end of the chancel, upon a mistaken notion of its being "consonant to the practice of approved antiquity." Lawful church and canonical order require the minister first to receive and then to deliver to any clergy who may be present, and "after that to the people also in order," all meekly kneeling at and around the table. The principle governing its position being the better hearing of the minister by, and the communion of the greatest number of the communicants with, the minister at the table itself. It is well to remember that, in 1604, the table usually stood, at communion, in the body of the church, with its ends east and west and the minister on the north side, where he could so order the bread and wine that it might be, as our present rubric says, with the "more readiness and decency broken before the people," and also that the "altar rails" were then unknown. Bishop Andrewes (whom Laud, in common with many others, appears to have very much followed) had them in his chapel, and termed them a "rail of wainscot banisters." Andrewes' Minor Works, p. xcviii.; see Parker *v.* Leach, L.R. 1 P.C. p. 326; Liddell *v.* Westerton, Brod. and Free. p. 152; Brooke, p. 70; ante, p. 205, n. 56.

decent pulpit, with an alms chest, at the charge of the parish. The churches and churchyards to be kept in good order and repair, and the churchwardens to see that in every meeting of the congregation the peace be well kept, and excommunicate and denounced persons kept out of the church. Every church to be surveyed once in three years, and decays certified. A terrier of the church lands, etc. to be made and kept in the bishop's registry. No plays, feasts, banquets, or suppers, church ales, drinkings, temporal courts, leets, lay juries, or musters to be kept in any church; the bells not to be rung superstitiously upon abrogated holydays or eves, nor at other times without the consent of the minister and the churchwardens.

Can. 89—91 regulate the appointment of churchwardens, sidesmen, and parish clerks.

Can. 92—126 refer to and deal with the archbishop's and bishops' jurisdiction and courts.

Can. 127—138 relate to ecclesiastical judges and other officers.

Can. 139 declared the "sacred synod of this nation, in the name of Christ and by the king's authority assembled" to be "the true Church of England by representation."

Can. 140 and 141 affirmed the subjection of both laity and clergy to the decrees of the synod "made and ratified by the king's supreme authority," excommunicating all such and all depravers of the synod.[59]

11. The "mind of the church" was thus, as we have seen, clearly and unmistakeably expressed on the subject of ritual. With the rubric and the act staring them in the face, they laid down the general rule and first principle that all ministers should observe the orders, rites, ceremonies, and forms prescribed in the book of common prayer, and that without any omission, alteration, addition, or variation whatsoever.[60] If, therefore, the "other order" had *not* been taken, the ornaments of the first book, if "retained" and in existence, were both lawful and to be used. But the bishops and convocation knew full well that "other order" *had* been taken, and as the time would come when the contemporary and personal knowledge they had, both of the facts and of the law, would have

[59] See post on Convocation and Church Courts, and App. A, H, T.

[60] Can. 14, 17, 21, 24, 36 § 2, 38, 56.

passed away with them, it seemed needful, if not imperative, to state what the law really was upon the few points that had been so long and hotly in dispute. Hence the directions given in Canons 24 and 58, and the express reference to "the Advertisements" there made.[61]

12. In parliament, the king in person declared the cause of the meeting, in a speech from the throne, and took occasion to discover somewhat of the secrets of his heart in regard to the ecclesiastical estate, remarking that

on his first coming he found 1. The true religion, which he professed and by law was established. 2. The falsely called Catholics, but truly Papists. 3. The sect, rather than religion, of the Puritans and Novelists. With regard to the clerics he must say that so long as they maintained the "arrogant and ambitious supremacy of their head the pope, whereby he not only claims to be the spiritual head of all Christians, but also to have an imperial civil power over all kings and emperors, dethroning and decrowning princes with his foot as pleaseth him, and dispensing and disposing of all kingdoms

[61] The first book of Edward VI. directed the use of the surplice (with, in cathedrals and colleges, a hood for graduates) in all churches and chapels at matins and evensong, baptizing, and burying only. Can. 58 prescribes the use of the surplice (and hood for graduates) not only at the public prayers, but also at the ministration of the sacraments and other rites of the church, the surplice to be provided by the parish. This was the interpretation put by convocation upon the rubric and proviso, not by way of a minimum (for it is not shall *at least* wear, but "shall wear,") but by way of exact direction and prescription. And, whilst the first book ordered a "white alb plain with a vestment or cope," the other "priests or deacons to wear albs with tunicles" at communion everywhere, Can. 24 confines the use of the cope to the principal minister in cathedral and collegiate churches, and upon "principal feast days," and yet insists on the administration being as specified in the book of common prayer! Now it is clear, if no "other order" had been taken, that Can. 24 and 58 are in direct conflict with the rubric and the act, as well as with Can. 14 and 16; but the general words of these canons are qualified and restrained by the express directions of Can. 24 and 58. *Expressio unius, exclusio alterius.* And it is to be presumed that, so far from canon being meant to contradict and conflict with canon, rubric, and act, the code was governed by one spirit and policy, and so worded and framed as to form one harmonious whole, expressing both the law of the church and realm so far as Bancroft, the bishops, and convocation then understood it. We have already seen what Bancroft thought of the legality of the vestments and other ornaments. No one seems to have so much as even hinted at, or dreamed of, their being lawful. On omission being prohibition, see Maskell, Anc. Lit. p. cxxxv.

and empires at his appetite; (the other point which they observe in continual practice is the assassinates and murders of kings, thinking it no sin, but rather a matter of salvation, to do all acts of rebellion and hostility against their natural and sovereign lord, if he be once cursed, his subjects discharged from their allegiance, and his kingdom given a prey to that three-crowned[62] monarch, or rather monster, their head);" they were in no way sufferable to remain in the kingdom.

That his own faith was the "true ancient catholic and apostolic faith, grounded upon the scriptures and express word of God," but that he would ever yield "all reverence to antiquity in the points of ecclesiastical policy."[63]

13. In this parliament the growth of the power and control of the House of Commons in and over church and religious matters may be noticed, governed as it was for a time, both in its origin and exercise, by the will of the king, as appears by the commons' petition of June 13th.

On March 23rd, the commons met for business, when motions were made for the confirmation of the book of common prayer, and the remedying of sundry grievances; where-

[62] The triple crown was not peculiar to the "triple tyrant" at the Vatican. The Roman emperors, as they were called, so late as the fifteenth century, had three crowns, as we read in a *Provinciale Romanum*, prefixed to a Roman "Chancery Practice." "Imperator Romanus debet coronari tribus coronis, videlicet prima ferrea, que significat potentiam et fortitudinem. . . . . Secunda est de argento, que significat quod in ipso est clara justitia et munda. . . Tertia est de auro, que significat majoritatem et nobilitatem omnium metallorum, unde per ipsam comparationem debet esse, in ipso imperatore semper justitia et debet eam firmiter servare et semper permittet reddere unicuique quod suus est." fo. 15*e*, 16*a*, Rome, 1493. The history of the Vatican plumage is but the old story of the jackdaw over again. It has nothing Christian about it. Pagius, Gesta, I. p. 57; Marriott, Vest. Chris. pl. xlvii.; Georgius, I. pp. 240—247; and (on the mitre) pp. 230—240; see also Aringhi, II. pp. 316—318; Zaccaria, Onom. s.v. "Mitra Tiara"; Paschalius, s.v. "Corona," "Diadema," "Mitra"; Durantus, pp. 262—266; Durand. Rat. p. 50; Casalius, I. pp. 48—52, 90; II. pp. 197, 227, 487; Thomassinus, I. Lib. ii. c. 37, §§ 8, 9; c. 45, §§ 5, 6; c. 58, n. 11; Ducange, s.v. "Corona," "Mitra"; Martene, De Ant. Eccl. Rit. I. pp. 128, 217, 221, 225, 235; II. pp. 73, 82; Ciampini, Vet. Mon. I. pp. 105—116; Macro, s.v. "Diadema," "Mitra"; Rock, C. of F. II. pp. 90—122. The Greeks do not use a mitre. But see D'Agincourt, III. Pl. xc. 2; Habert. pp. 66—77; Goar, p. 314; and see Maskell, Mon. Rit. III. p. 274; ante, p. 104, § 30.

[63] H. of C. Journ. p. 144; Parl. Hist. I. col. 983.

upon committees were appointed to peruse the book to consider the *gravamina*, and to report to the house.[64]

On the 29th, an information of one "Bryan Bridges, minister" was delivered to the speaker and read, which done, the petitioner was committed to the Tower and the care of the serjeant-at-arms.[65] On April 2nd, bills against the puritans and pluralities of benefices were read a second time.[66] On the 13th, the speaker delivered a message from the king, pointing out the "main businesses" in their hands.[67] On the 16th, a committee was appointed to take into consideration the confirmation and re-establishment of religion, and also the king's message delivered by the speaker.[68] On the 17th, the speaker reported the message from the king touching matters of religion, desiring "an absolute reformation," and "that in some things convocation may have assistance" from

[64] H. of C. Journ. pp. 151, 153, 169, 934, 935. Two of the grievances were: 1. The burden, vexation, and charge of the commissaries courts. 2. The suspension of some learned and grave ministers for matters of ceremony and for preaching against popish doctrine.

[65] The petition was not complimentary to the bishops who enforced conformity. Journ. pp. 157, 158, 161, 941. Bridges had been four times before the high commission, and objected to being kept in prison for non-conformity.

[66] Journ. pp. 161, 941.

[67] Id. pp. 171, 946. The businesses were: "1. The union. 2. Sundry public and commonwealth bills. 3. Matters of religion and reformation of ecclesiastical discipline." And with regard to the last, "That all heresies and schisms might be rooted out, and care taken to plant and settle God's true religion and discipline in the church."

[68] The committee was named to consider also "of the settling, increasing, maintaining, and continuing of a learned ministry, and whatsoever else may incidently bring furtherance thereunto," as well as to consider the royal message "touching the discipline of the church, reformation of religion, and abuses of commissaries courts, and of all particulars incident." The king's message ran that he had "knowlege of the complaints made against the proceedings of commissaries courts, and of their desire to treat, touching a reformation of matters of religion"; before they intermeddled "with these things, he wished they would confer with the members of the convocation house." Upon this there was a debate, and it was resolved that the house would only confer "with the bishops as lords of parliament," and that the king be so informed. The king's advocate, venturing on an apology for the courts, let out that he had conferred privately with some of the bishops concerning them, and for this contempt was to be called to the bar of the house, but was pardoned on an apology. Journ. pp. 172, 173, 947. The complaint referred to in convocation, on April 13th, was clearly that about the courts. Ante, p. 323, n. 26.

the house, and that they would first strive truly to discern what the abuses are, and then proceed to reform."[69] On the 18th, "touching matters of religion and government ecclesiastical, it was urged by some that the messenger sent with the bills might move a conference to be had generally with the lords, and not otherwise," the lords to appoint the time and place. Whereupon the speaker declared the king's pleasure to be that as to "those matters he had given power by his letters patent to the members of the convocation house to debate, consider, and determine," but "that his majesty would make no new precedents, would protect us in what we have, and not subject us to any other; and wisheth we would confer (as was assented) with the bishops and lords of parliament." And this was agreed to.[70] On the 26th, the House of Commons

[69] Journ. pp. 175, 176, 948. The commons, however, declined to recognise, or to have anything to do with, convocation, and finally, and again, agreed to confer "with the bishops, as lords of the upper house, touching these matters," the manner of the conference to be resolved on the next day.

[70] This resolution was reported to the lords the same day, that "for the better correspondence to be holden betwixt the commonalty and the clergy," the commons were willing to confer with a "select number of the bishops," but "as lords of the higher house of parliament, and not in such condition and quality as they are of the convocation house." The lords took time to consider, but on the next day agreed to the motion, and a committee of fourteen bishops and twenty-two peers, attended by the lords chief justices of the king's bench and of the common pleas, Mr. Justice Gawdy, the attorney-general, and a civilian, Dr. Swale, was appointed to confer with the commons. The refusal of the house to meet or treat with the convocation of clergy representatives, or the "commons spiritual," on church matters, was constitutional. It was reported by the Bishop of London to convocation on the same day. The House of Commons appointed a committee of sixty, but sub-committees of both houses were in the end chosen on the king's suggestion. The lords' committee consisted of four bishops and five peers, attended by the lord chief justice and Dr. Swale; the commons' committee of twenty-one members of parliament. H. of L. Journ. pp. 281, 282, 286, 287, 294, 300, 302; H. of C. Journ. pp. 176, 949, 193, 203, 961, 967. On May 5th, the commons set out and agreed upon six articles to be treated of in the conference with the lords. Art. 1 required that the thirty-nine articles "be explained, perfected, and established by parliament," and that "no contrary doctrine be taught within the realm." Ministers and masters of households to subscribe. Art. 2 regulated the admission to orders. Art. 3 set aside pluralities and non-residences. Art. 4 provided for the increase of cures under £20 yearly value. Art. 5 sought to prevent subscription, save as ordered by the 13 Eliz. c. 12. (This was aimed at the "Three Articles" and Can. 36.) Art. 6 provided that faithful and diligent ministers should not be "deprived, suspended, silenced, or imprisoned for not using the cross in baptism or the surplice." The ecclesiastical courts were

was informed of a book published by a bishop, "to the derogation and scandal of the proceedings of the house," and a message was

dealt with by a bill before the house. On May 18th, Sir F. Hastings reported "the conference, touching matters ecclesiastical and religion." "The king," he said, "was present, and 'surveyed the articles' and gave answers, making suggestions." At the next conference Sir F. Hastings reported, on the 24th, the proceedings "touching matters of religion," when a proposal for some of the members of convocation to "attend and deliver reasons, etc.," was made and rejected, and the commons' articles and "some things begun by the lords" treated of, the bill for the "reformation of abuses in ecclesiastical courts and causes" being brought in, with the consent and privity of the committees, the next day. On June 8th, the committee again reported that at the last meeting, on the 4th, *inter alia*, an instrument was "read, by a bishop, coming from the convocation house," misliking that the House of Commons should deal in "any matters of religion," and also "of the conference of the bishops" with the house, on the ground "that it prejudged the liberties of the church," and that, if the bishops would not desist, they would appeal to the king who had given them authority to treat only in these matters." Whereupon, after sundry motions and hot debate, a committee was appointed to search for and consider all such precedents as had warranted, or might warrant, the house to deal with ecclesiastical matters, as well as to frame a petition to the king, "as the bishops refuse to join with us," and report; some speeches of "scandal and scorn to the house" being uttered by Dr. Howson, a member of convocation, the sub-committee were to consider that also. On the 13th, it reported and produced "many precedents and laws." A petition to the king was framed for a dispensation of some ministers in matters indifferent, viz. the use of the cross in baptism, of the surplice in ordinary parish churches, and the subscription required of ministers further than is commanded by the laws of the realm. The petition began: "Forasmuch as your majesty, out of your princely favour, hath vouchsafed to signify your gracious pleasure, that we should enter into consultation of things that concern the establishment of true religion in this land . . . . we have thought it expedient rather by this our humble petition, to recommend to your majesty's godly consideration certain matters of grievance, resting in your royal power and princely zeal, either to abrogate or moderate, than to take the public discussing of the same unto ourselves, etc." On the 16th, the petition was formally approved of, and the presentation agreed on; and on the 21st, the "instrument from the convocation house," taxing the intermeddling of the house in matters of religion, was discussed, and a conference with the lords prayed, the Bishop of London to produce the instrument. The lords agreed to a conference, and committees were named to deal with the "question of the authority" of the commons and convocation "in matters ecclesiastical." The affair appears to have ended by the instrument, declaring "that the laity had nothing to do" with matters of religion, being again read, and the Bishop of London saying that "they conceived the privilege of parliament to stand upright," and "therefore wished there might be no more ado made of it." H. of C. Journ. pp. 214, 975, 224, 225, 979, 229, 983, 235, 989, 238, 991, 241, 993, 244, 996, 248, 999, 251, 1000; H. of L. Journ. pp. 305, 309, 310, 325, 332; Parl. Hist. I. pp. 1023, 1039.

sent to the lords concerning the book and the grievance, whereupon the lords granted a conference, and committees were named. On a formal apology by the author (the Bishop of Bristol) the matter dropped.[71] A variety of bills were brought in and read during the session touching and affecting the clergy and religion, but few passed. The possessions of the bishoprics were, however, protected from alienation, and bigamy was made unlawful.[72] The right of sanctuary was extinguished, the legitimacy of the children of ecclesiastical persons affirmed, and the act against images revived.[73]

14. On July 16th, a proclamation was issued requiring conformity and obedience to "our church laws," "all ministers disobedient to the orders of the church" being given to the last day of November "to bethink themselves."[74] On the 22nd, a king's letter notified his appointment of some fifty-four learned men for the translating of the bible.[75] In this month, too, we meet with a petition from certain Roman priests to the king praying that the bill against them might

[71] The book appears to have treated of the union of the two kingdoms. H. of C. Journ. pp. 226, 981, 232, 234, 236, 990, 238, 244; H. of L. Journ. pp. 306, 309, 310, 314, 325, 332; Parl. Hist. I. pp. 1027, 1030; Petyt. Jus. Parl. pp. 225—244.

[72] 1 Jac. I. c. 3, 11. The statute *De bigamis*, 4 Edw. I. st. III. c. 5 (A.D. 1276), made it a capital offence for a widower or widow to marry again. The 1 Edw. VI. c. 12, § 16 allowed the bigamist his clergy, but both were repealed in 1828 by the 9 Geo. IV. c. 31. See 2 Inst. pp. 272—274; Conc. Lugd. ii. Lab. and Coss. XI. col. 984, Can. 16; Steph. Eccl. Stat. p. 9; Brady, II. p. 5. The council of Lyons had taken away the offenders' clergy, and so made it a capital offence. The king sent four envoys to the council. Rymer, II. p. 23.

[73] 1 Jac. I. c. 25, repealing 1 Mar. sess. 2, c. 2.

[74] St. Pap. Dom. James I. VIII. No. 106; Proc. Bk. p. 76, Barker, 1609. No one of the 123 proclamations in this book is under seal. Wilk. Conc. IV. p. 467; Card. D. A. II. p. 61. The king points out that no material changes were made in the state of the church or in the book of common prayer, or in church discipline, none such being needed.

[75] Collier, VII. pp. 335—341; Card. D. A. II. pp. 65, 106; Wilk. Conc. IV. pp. 467, 432; Strype, Whit, pp. 588—590; Fuller, X. pp. 44—48. Can. 80 had ordered the bishops' bible to be used. The new translation was not published till 1611. The king's letter was sent round to the bishops, by Bancroft, on July 31st.

not have the king's assent.[76] On October 6th, the *congé d' élire* to elect Bancroft went to the Dean and Chapter of Canterbury,[77] and was followed on the 20th by a proclamation of the style and title of the King of Great Britain.[78] On November 6th, the judges wrote to the privy council on the unlawfulness of delegating to individuals the execution of the penal statutes.[79] On December 10th, a privy council letter to Bancroft directed him to enforce uniformity.[80] On the 18th, the king sent to the chancellors of Oxford and Cambridge requiring all graduates to take the oath of supremacy and to conform and certify the fact.[81] On the 22nd, Bancroft sent a copy of the privy council letter round to the bishops, and enclosed precise and formal directions as to the course he thought fit to be observed. Bancroft remarked:

"I have not hitherto greatly liked of any severe course; but

[76] St. Pap. Dom. James I. VIII. No. 125; 1 Jac. I. c. 4. The king, as Dodd points out, had "no design to proceed to extremities or to use the same rigour towards the party as had been practised in the late reign," and was personally in favour of an eirenicon; but by the continual plots, and finally "by the discovery of the Gunpowder Plot," the catholics "were entirely thrown out of favour." Ch. Hist. II. p. 326. The priests' petition contained the form of an oath offered to be taken. See Tierney, IV. pp. lxxxii. xc. cxc. cxci.

[77] St. Pap. Dom. James I. IX. No. 65. The royal assent to the election was given on November 27th. Id. X. No. 42.

[78] St. Pap. Dom. James I. IX. No. 82.

[79] They appear to have sent a list of statutes, for on January 21st, 1605, the privy council wrote that the king approved of them. St. Pap. Dom. James I. X. No. 6, 42; XII. No. 24.

[80] St. Pap. Dom. James I. X. No. 61; Card. D. A. II. p. 69; Wilk. Conc. IV. p. 408. The letter pointed out that the time prescribed and limited for conformity to "the laws and orders of the church government established within this realm" had expired, and that the disobedient were now subject to deprivation, deposition, and other censures; and that the king required and charged the bishops at once, and without any delay, as they would answer the contrary at their peril, to put the laws in execution. Some Lancashire justices appear to have, however, petitioned in behalf of certain useful non-conformist ministers, but, as it would seem, in vain; whilst Archbishop Hutton, in reply to the council's letter, defended the puritans, as being substantially the same in religion as the reformed church, and laments the encouragement given to papists. Lord Cranborne replied that no one would dare to propose to the king the toleration of popery. St. Pap. Dom. James I. X. Nos. 62, 64, 66; Strype, Whit. App. p. 247.

[81] St. Pap. Dom. James I. X. No. 68. The certificates were sent in.

perceiving by certain instructions lately cast abroad that the present opposition so lately prosecuted doth rather proceed from a combination of sundry factions, who in the pride of their mind are loth to be foiled (as they term it) than of any religious care or true conscience, I have thought it very necessary, for the suppressing of such irregular designments, earnestly to commend to your lordship the execution of these directions."[82]

This year, too, the Family of Love presented an address to the king.[83]

15. A.D. 1605. On January 24th, Lord Cranborne summoned the primate and the Bishop of London to a conference on the sale of livings.[84] On February 9th, a high commission issued for the enforcing order and uniformity in England,

[82] Card. D. A. II. pp. 69, 74; Wilk. Conc. IV. pp. 408, 409. The archbishop stated that, under the 1 Eliz. c. 2, all wilful non-conformists were subject to deprivation, and that the lord chief justice and the attorney-general held that the bishop could *ex officio* deprive them. He reminds them of Can. 122, and says he will, in case of an appeal to himself, carefully execute Can. 98, and he doubts not the king will take like order for the delegates. Bancroft was not a man to "be alarmed by the number or baffled by the ingenuity" of his opponents, and he very soon enforced a strict and unswerving obedience to the law. By animadverting, as Collier says, "upon some few of the principals, he struck a terror into the rest, and made their scruples give way." There was no longer any room for evasion; the "Three Articles" had to be subscribed "willingly and *ex animo*," and thus "some ministers of consideration lost their livings to preserve their conscience." The pleasant solution of the state allowing the non-conformist to retain the pay, whilst the bishop provides a substitute to do the work, does not appear to have been thought of. Eccl. Courts Com. II. p. 368, q. 7403. The number of those who were now deprived for non-conformity is not known. Sir N. Bacon spoke (in the House of Commons) of 260, and was not contradicted; others mention 300, but Collier, who says that Bancroft "pressed a strict conformity to the rubric and canons without the least allowance of latitude," talks of this number as "romantic," affirming that during Bancroft's primacy there were but 49 deprived on any account whatever. Dr. Burgess, one of the sufferers who afterwards conformed, is made by Neal to say, in a letter to the king, that 746 clergymen in the 24 counties named refused to subscribe. The abridgement of the declaration of the Lincolnshire ministers presented to the king December 1st, 1604, objected to the use of the surplice, the sign of the cross in baptism, and kneeling at communion. Collier, VII. pp. 320, 321; H. of C. Journ. March 15th, 1605—6, p. 285; Neal, I. pp. 416, 426—430; Lingard, VII. p. 20.

[83] Fuller, X. pp. 29—33, where the address is given; Collier, VII. p. 313.

[84] St. Pap. Dom. James I. XII. No. 28. The practice "brought the church into contempt, and he thought the bishops should manage it."

Wales, and Ireland.[85] On the 18th, the king wrote to the Archbishop of York and Lord Sheffield on the proceedings against the non-conformist ministers and the opinion of the judges thereon.[86]

On March 12th, the primate wrote to the bishops of his province concerning "factious ministers," non-conformists, and recusants.[87] He appears to have followed it up by special commissions to visit and reform the various dioceses of his province, so as to ensure prompt conformity to the rites and ceremonies of the prayer book established by royal authority.[88] The king having called for a return of the

[85] St. Pap. Dom. James I. XII. No. 66. The commission is very lengthy; it consisted of twenty-five clerical and thirty-nine lay members. There were eleven bishops, eight deans, four archdeacons, two doctors of divinity, with the lord chancellor and nine judges (the three lord chief justices and the judge of the Prerogative Court of Canterbury being included), the attorney and solicitor-general, two sergeants at law, two masters in chancery, three masters of the court of requests, seven doctors of law, and other laymen, mostly officials. It recited the 1 Eliz. c. 1, § 18, and then gave the commissioners power "to visit, reform, redress, order, correct, and amend all such errors, heresies, schisms, abuses, offences, contempts, and enormities whatsoever, which by any manner of spiritual or ecclesiastical power, authority, or jurisdiction can or may lawfully be reformed, ordered, redressed, corrected, restrained, or amended." The 1 Eliz. c. 2, 5 Eliz. c. 1, 13 Eliz. c. 12, 35 Eliz. c. 1, 2, and 1 Jac. I. c. 4 were also referred to, and provision made for the due chastisement and punishment of offences against them, by the censures of the church or by any other lawful ways and means; offenders against the articles of 1562 were to be deprived. And generally, all offences within the jurisdiction of the ecclesiastical courts were to be dealt with, and the offenders punished by church censures, by imprisonment or other lawful ways. Ante, p. 288, n. 312.

[86] St. Pap. Dom. James I. XII. No. 87.

[87] Id. XIII. 25; Wilk. Conc. IV. p. 410; Card. D. A. II. p. 77. Collier says: "Bancroft's unrelenting strictness gave a new face to religion; the liturgy was more solemnly officiated, the fasts and festivals were better observed, the use of copes was revived, the surplice generally worn, and all things, in a manner, recovered to the first settlement under Queen Elizabeth." VII. p. 320. The primate, referring to his former directions as to "factious ministers," required the bishops "not to desist by depriving one, two, or three at once, until" their dioceses were purged of them; but the deprived clergy were to have two or three months' liberty to remain in the parsonage house before ejection.

[88] "Auctoritate regia stabilito." Offenders were to be deprived "juxta juris formam et canonis in ea parte editi exigentiam." See the three commissions given in Wilk. Conc. IV. pp. 412, 414. The visitation articles for the province are to be

number of pluralists, the primate wrote, on April 30th, to the bishops to send one in, with particulars of all dispensations and curates.[89]

16. In September, Bancroft exhibited twenty-five articles to the privy council against the judges, complaining that the proceedings both of the ecclesiastical courts and commissions had been sadly interfered with by prohibitions; during Queen Elizabeth's reign no less than 488, and in the few years of the king so many as 82 having gone to the arches, a great part of which the primate thought could not be justified, whilst only 113 consultations were obtained upon them.[90]

The primate contended

1. That as all jurisdiction, civil and ecclesiastical, belonged to the crown, the king might, with the assistance of the council, judge and reform what was amiss in either.

2. That as both jurisdictions were now, both *de facto* and *de jure*, derived from and united to the crown, and the ecclesiastical court was no longer "*aliud forum a foro regio*," and its proceedings were not "*contra coronam et dignitatem regiam*," the ecclesiastical laws which the bishops enforced were as much the king's and the realm's ecclesiastical laws as the temporal ones.[91]

found in Rit. Com. Rep. II. p. 450; Art. 6, 12, 14, 15—18, 21, 29, 30, 32, 40, 44, 48—52, 61 relate to rites, ceremonies, and church ornaments. The order of the canons was strictly enforced, and preachers were to be "soberly and decently apparelled." See Babington's Art. p. 453, art. 15; ante, p. 332, n. 57. In those for the cathedral of Bath and Wells, the order of the canons is again insisted on as to the surplice, etc., whilst he asks: 5. "Whether your divine service be used, and the sacraments administered in due time, and according to the book of common prayer, and by singing and note according to the statutes of the church." Wilk. Conc. IV. p. 415.

[89] Wilk. Conc. IV. p. 413.

[90] Id. p. 417; Card. D. A. II. p. 82; 2 Inst. p. 601.

[91] The judges in their answers admit that both jurisdictions were in the king, "though the one sometimes usurped by the see of Rome." That the prohibitions did not import that the ecclesiastical courts were not the king's courts, but that the cause was drawn into *aliud examen* then it ought to be, and it made no difference whether the court were temporal or spiritual, the prohibition went all the same if the court either had no jurisdiction or was acting in excess of it; the jurisdiction of all courts being founded on and prescribed by the laws and statutes of the realm.

3. That a time should be limited for the granting prohibitions.[92]

4. That as it is agreed that causes concerning wills, marriages, benefices, churches and divine service, with divers offences against the commandments (the sixth and eighth only excepted), are, by the laws of the realm, plainly of ecclesiastical cognisance, the undue granting of prohibitions in almost all such causes is a just cause of complaint.[93]

5—14. The multiplying prohibitions in one and the same cause (the libel not being altered), or in divers causes of the same nature when consultations had been awarded, or the granting new forms of consultations without expressing the cause, the cost and difficulty of obtaining consultations, the granting prohibitions on frivolous grounds or at the suit of the plaintiff in the spiritual court, or without due consideration of the libel, or on pretence that one witness cannot be received in the ecclesiastical court to ground judgment upon, or that the cause is neither testamentary nor matrimonial, was also complained of; and so also was

14—20. The granting prohibitions on surmise and out of the king's bench or common pleas and not out of chancery, or upon false pretences as to the want of jurisdiction in the ecclesiastical courts in tithe causes, or because treble value is sued for, or when the carrying away of the tithes is stopped, or upon incidental pleas.

20—24. The interpretation of statutes which concern ecclesiastical affairs by the temporal judges in favour of prohibitions, the undue deliverance of persons imprisoned under the writ *de excommunicato capiendo* and the prohibition of all further censures, the

[92] To this answer was made that prohibitions might go at any time to restrain an unlawful proceeding (such being *coram non judice*), and that after, as well as before, execution and judgment, though not, it seems, after excommunication and arrest. In the reign of Edward III., either the lord chancellor or the lord chief justice might determine what pleas should be prohibited.

[93] On this head, the judges required the names of the cases in which the temporal courts had unduly awarded prohibitions, and say they had made diligent search and found that there had been granted out of the king's bench, from the king's accession to the end of Hilary term, but 250 prohibitions to all the ecclesiastical courts in England, and 149 of these related to questions of tithes. Out of the common pleas but 62 had gone, and 31 of these were for tithes, the remainder being grounded on the bounds of parishes or other such fit causes. No search had been made as to the number in the reign of Elizabeth, but as to the two cases out of the 82, the judges said the suggestion was untrue.

impugning of the king's authority, the granting prohibitions on a pretence to reform, was objected to ;[94] whilst it was urged

24, 25. That the temporal judges are bound by their oath to defend the jurisdiction of the ecclesiastical courts, and that excommunication is as lawful as prohibition for the preservation of the king's two jurisdictions.

17. The Reformation had, indeed, by repealing the heresy and other acts, as well as by making the writ *de excommunicato capiendo* returnable in .the king's bench, to say nothing of other measures,[95] both curtailed and limited the practically unrestrained, unconstitutional, and iniquitous powers claimed and exercised by the "church courts" during the papal tyranny; and had thus so far secured and protected the liberties of the subject and the just rights of the state.

But here Bancroft, on behalf of the clergy, seems to have thought that the reforms should stop. Starting from the re-affirmed first principle that all civil and ecclesiastical jurisdiction was annexed to and derived from the crown, and that since the Reformation the ecclesiastical courts had again and *de facto* become the king's courts, administering the king's ecclesiastical law, he, not perhaps unnaturally, sought and thought that it was fitting and right that both courts and law should be independent of, and unfettered by, the courts of common law, and that to the ecclesiastical judge alone should belong the interpretation of the statutes which affected

[94] For the answers to Art. 5—20, see 2 Inst. pp. 603—613. The judges had clearly the best of it, challenging proofs and giving sufficient reasons. As to the exposition of the statutes that concern the ecclesiastical state, they affirm that it "belongeth unto the temporal judges," and they observe that "when they have been expounded to their (the clergy) liking, then they could approve of it," but if not, then "will they say, as now they do, that it appertaineth not unto us to determine of them." And as to the deliverance of persons imprisoned under the writ *de excommunicato capiendo*, the judges answered that they ought, on complaint, to send for the body and learn whether the cause were sufficient, and the imprisonment just. And as to proceedings *ex officio*, the party summoned ought to know why he is called *ex officio* before he is examined, so that it may appear whether the offence be of ecclesiastical cognizance or no. 2 Inst. p. 616. On the Art. Cleri of Edward II., see 2 Inst. pp. 618—638.

[95] 1 Eliz. c. 1 ; 5 Eliz. c. 23.

the clergy and ecclesiastical affairs, subject only to the right of appeal to the king in chancery or in council.

18. It did not occur to him that the greater part of the ecclesiastical jurisdiction was an encroachment or an anomaly, or that the administration of wills and the distribution of estates, and the endless variety of really secular matters dealt with, were scarcely compatible or consistent with the primary duties of a Christian bishop ;[96] or that the merciless penalties inflicted on the unhappy heretic or dissenter who fell under the censures of the church were alien to the spirit of, and in direct conflict with, the precepts and example of its Divine Head. The terrible punishments that followed disobedience to, or dissent from, the church's teaching and laws

[96] In civil or temporal matters, the early Christians were expressly forbidden to apply to the heathen tribunals. All private disputes were to be referred to and settled by an arbitrator, who would be a layman, since the direction was to select a person (whose want of spiritual gifts made him) of the least esteem in the church; and this clearly did not apply to the bishops or presbyters. Schleusner renders it: "Christianos infamae sortis, plebeios, judices constituite," s.v. ἐξουθενέω; see, however, Bingham, I. p. 119, where Lightfoot is quoted as observing that the word may as well signify "persons of the greatest esteem," the object being to shew that in the opinion of some "very learned and judicious critics," bishops were meant! It is no doubt true that Augustine says, "Constituit talibus causis ecclesiasticos apostolus cognitores, in foro prohibens jurgare Christianos." (Op. Serm. in Ps. 118, Ser. 2, tom. VI. col. 708, and see the context.) But the apostle no where says the judges were to be the bishops. The bishops' special duty was to preach and "take care of the church." 2 Tim. iv. 2, 5; 1 Tim. iii. 5; iv. 15; 2 Tim. ii. 4; Titus i. 9; iii. 1, 2. Paul of Samosata, who was deposed in A.D. 272, was charged with assuming the judicial office. "Nam et tribunal et sublimem thronum, non ut Christi discipulus sibi ipse construxit, et *secretum*, perinde ac seculares magistratus, ita appellatum habuit." Euseb. Hist. VII. c. 30. The so-called apostolical canons had forbidden the clergy "publicis se administrationibus immiscere, sed vacare ut commodum se exhibere usibus ecclesiasticis," upon pain of deposition from their office. Can. 80, 82. After a while the bishops were chosen umpires in civil disputes, and the *clergy* were bound by their sentence; and eventually, under the empire, they were appointed judges, but the office came either by consent of the parties or from the grant of the state. Conc. Carth. III. can. 9; Conc. Chalc. can. 9; Labbe and Coss. II. col. 1168, IV. col. 760; Johns. Vade Mecum, II. pp. 175, 144; Neander, III. p. 197; Gieseler, I. p. 412; Schoemann, p. 279; Sigonius, Lib. I. cc. 22, 29, III. c. 5, pp. 384, 394, 528, 559; Gaius, IV. §§ 162—166, p. 384, ed. Goeschen, and p. 340, ed. Abdy; Cic. pro Rosc. IV. 4, pro Quintio, 5; App. A, Q; ante, p. 71, n. 144.

were sufficient grounds for the right of appeal to, and the supervision and (if needful) the interference of, the courts of the realm.

19. The primate's appeal to the council appears to have failed, for no other reply than that of the judges seems to have been made.[97]

In November, parliament and convocation met.[98] In that of Canterbury, after the usual formal business, "a book drawn up concerning the state of the church" was, on January 24th, 1606, delivered by the archbishop, who desired both houses to take copies and consult about it.[99] On the 29th, he produced the royal licence to make

[97] The judges' answers were sent in to the council in the Easter term, and Bancroft, on November 21st, 1606, is said to have told the clergy convocation (who had petitioned the king against prohibitions in tithe suits) that the king had "consented to put a restraint upon prohibitions." It could not have been, however, a very strong one, for in 1608 the archbishop made another effort in favour of his articles, but failed, owing to the opposition of the judges. Card. D. A. II. p. 82, note; Synod. II. p. 588, note; Rapin, II. pp. 169, 176; see Strype, Ann. IV. p. 398; 12 Rep. 82, 84; 4 Inst. pp. 320—344; Bancroft's letter of January 23rd, 1609; Strype, Whit. App. p. 227.

[98] Convocation was prorogued to January 22nd, owing to the plot, and both were finally prorogued on May 27th and 28th, 1606, to the following November.

[99] The "book" was the original of what is now known as "Overall's convocation book." The first part consisted of thirty-six canons and certain constitutions made upon them, the second part of ten canons with constitutions, and the third of thirteen constitutions. All were read thrice in the lower house of convocation "in frequenti synodo cleri, et unanimi consensu comprobata," Overall, the speaker, signing them, the date given being April 16th, 1606. The first part was also formally and unanimously approved and subscribed by the York convocation, but it is not known whether the second and third parts were so approved. On the fly-leaf of a MS. of the first part Laud wrote, "A tract proving the supremacy of kings and chief civil governors above the high priest from the creation to the end of (the) Jewish estate." It never received the royal assent, owing, as it would seem, to the paragraph affecting the United Provinces, but it is of great value as giving the opinion of convocation on the matters treated of; and it was afterwards published by Sancroft as an authentic declaration of the mind of convocation. It dealt heavy blows at the ridiculous "and insolent" pretensions of the papacy, at the deposing power, and its claims of universal dominion and sovereignty, pointing out, from Roman authorities, that the papacy brought with it into the western empire "wars, bloodshed, homicide, parricide, hatred, whoredom, theft, sacrilege, dissension, and sedition, both civil and domestical, corruption of the scriptures, false and sycophantical interpretations, with many more mischiefs." Overall's Conv. Bk. pp. 12, 240, 245; Card. Synod. II. p. 587; I. pp. 330—380; Wilk. Conc. IV. pp. 405, 412; Joyce, Synod. p. 641; Lathbury, pp. 228—234.

canons. On February 21st, "the lower house called up one Cartwright, who, having killed a clergyman and obtaining the king's pardon, begs pardon and absolution of the *bishops*."[100] The subsidy, with the suspension and absolution of absentees, and the payment of the "clerks of the convocation," occupied the remaining sittings.[101] In that of York, owing to the death of Archbishop Hutton, no business was done until March 5th, 1606, when the king's licence was read, giving it power, "during this present parliament, to confer, treat, debate, consider, consult, and agree of and upon" canons, orders, ordinances, and constitutions, the constitutions or canons, when agreed upon, to be written out and submitted to the king "to the end that" he, "on mature consideration," might "allow, approve, confirm, and ratify, or otherwise disallow, annihilate, and make void such and so many of the said canons, orders, ordinances, constitutions, matters, causes, and things so to be, by force of these presents, considered, consulted, and agreed upon as" he should "think fit, requisite, and convenient." Then followed a proviso that the canons were not to be "contrary or repugnant to the doctrine, orders, and ceremonies of the Church of England already established," and were not to be of "any force, effect, or validity in law" until allowed, approved, and confirmed by letters patent under the great seal. The canons were then read, ratified, and confirmed, and ordered to be thenceforth truly and diligently observed in the province of York.[102]

[100] Wilk. Conc. IV. p. 412; Card. Syn. II. p. 587. Upon this fact Mr. Joyce remarks: "Both houses of the synod were on one occasion united, the lower house having been called up to be present when one Cartwright appeared before the upper." Syn. p. 637. But the two houses were never united. They met and sat separately, and when the bishops wished to communicate with the clergy convocation, they sent for the prolocutor, who attended, either alone or with the usual committee, and awaited their lordships' pleasure, standing bareheaded.

[101] Wilk. Conc. IV. pp. 412, 429; Card. Syn. II. pp. 587, 588. For the form of suspension of the Dean of Wells and others, and of the absolution of a proctor for the diocese of Bath and Wells, see Wilk. Conc. IV. pp. 425, 429.

[102] Wilk. Conc. IV. pp. 426—429. Wake remarks, "thus passed this convocation, the only one in which we find any business to have been done, besides that of granting subsidies, for many years together." He points out the entire absence of any synodical acts for some reigns before, the neglect to choose any prolocutor, or to do more than agree to the subsidies granted by the Canterbury convocation. The reason has been already stated; ante, p. 177, n. 144. See Wake's St. of Ch. p. 508. The president and clergy proctors subscribed the 141 canons *ex animo* and on behalf of the whole clergy of the province of York.

20. On the 5th, parliament assembled, and, on the 9th, the session was opened by the lord chancellor and by a speech from the king. It was then prorogued to January 2nd and thence to the 21st, when it met again for business.[103]

A large number of bills touching church, ecclesiastical, and religious matters were brought into the commons. That for a public thanksgiving on every November 5th,[104] and another "bill and articles of religion,"[105] passed both houses and became law. Bills for the

[103] The king's speech (exonerating the loyal Romanists) dealt with "the Gunpowder Plot," and of the nature, composition, and duties of the "High Court of Parliament." See Parl. Hist. I. pp. 1050—1062, where the report of the speech is more full than in the Lords' Journals; Journ. H. of L. pp. 355, 357; H. of C. p. 256; Collier, VII. pp. 325—327; see also Dodd, II. pp. 331—335; Tierney, IV. pp. 66—84; Flanagan, II. pp. 278—287; Lingard, VII. pp. 22—24; Birch, I. pp. 36—40, 45—52, 59—65; St. Pap. Dom. James I. XVI.—XXI.

[104] 3 Jac. I. c. 1, repealed by 22 Vict. c. 2. This service, together with those for January 30th and May 29th, was discontinued by royal warrant in 1859, upon addresses to the crown by the two houses of parliament. The act directed "all and singular ministers in every cathedral and parish church," on every November 5th, to say morning prayer, and give unto Almighty God thanks "for the deliverance," and after service to read the act. There seems to have been a standing form of prayer drawn up and used, for we find that the three forms for January, May, and November were revised, and unanimously approved, by convocation in 1662, and were, with the form for October 25th, specially authorised by the royal order of October 7th, 1761, the three first being again enforced by the queen's order of June 21st, 1847. Journ. H. of C. pp. 258, 260; H. of L. pp. 363, 365; Steph. Eccl. St. p. 511, n. 1; C. P. Interleaved, pp. 346—348.

[105] It passed as the 3 Jac. I. c. 4, being repealed by 9 and 10 Vict. c. 59, § 1. It contained the form of an oath of allegiance or obedience, which the pope afterwards forbad to be taken. The clauses were settled upon conference by committees of both houses. "The grand committee for religion" for the commons being probably the one named on January 21st, the same day that the lords appointed theirs, consisted of eight bishops, twenty-one peers, with twelve judges and law-officers to attend. Upon the meeting of the committees of both houses, other committees were appointed "to draw things into form," that for the lords being made up of thirteen bishops, thirty-three peers, with eleven judges and law-officers "to attend." They met several times, copies of articles, with the king's "meditations" thereon, being exchanged. Journ. H. of C. pp. 257, 260, 262, 263, 265, 267, 269, 284; H. of L. pp. 360, 367, 369, 371, 372, 378, 381. See 1 W. & M. c. 8, §§ 1, 2; Steph. Eccl. St. pp. 512, 628; ante, p. 227, n. 120; App. R. Two thousand recusants, under sixteen, were reported to have left in two years. Journ. H. of C. p. 264. The speaker also reported to the house, on January 29th, "a commandment from his majesty that the king accepteth and approveth the intentions of the house in their endeavours touching religion, and wisheth a speedy

"general planting of a learned" and resident ministry,[106] for the better observance of the sabbath,[107] against scandalous and unworthy ministers,[108] non-residence and pluralities,[109] and a bill "for the better establishing of true religion" were also brought in.[110] Other measures affecting the church were also introduced. We find bills for the due execution of the ecclesiastical government,[111] for the restoration of the deprived ministers,[112] for the discovery and suppressing of

proceeding." Journ. H. of C. p. 261. The 3 Jac. I. c. 5, §§ 25, 26, forbad the printing, selling, or buying of popish missals, breviaries, etc., and ordered the defacing or burning of altars, beads, pixes, pictures, crucifixes, and all popish books and relics.

[106] It passed the commons, and was read once in the lords. Journ. H. of C. pp. 258, 286, 288, 290—294; H. of L. pp. 406, 408.

[107] Journ. H. of C. pp. 260, 261, 267, 269; H. of L. pp. 375, 384, 400. It passed the commons "with some difficulty and dispute," and was read twice in the lords.

[108] Journ. H. of C. pp. 294, 295, 298, 305; H. of L. pp. 375, 384, 400. It was read twice in the lords and committed.

[109] Journ. H. of C. pp. 258, 274, 277, 286, 307. It passed the commons and was sent up to the lords on March 26th, where it was read once. Journ. H. of L. pp. 401, 402.

[110] On February 8th, at the conference between the two houses of the preceding day, they had decided "to seek means to root out all popery and popish practices"; the reading the amendments to the bill gave occasion to Sir E. Sandys to remark that "bills touching religion" were "ever handled in this house." The bill passed the lords, and on May 20th was sent back to the commons, with amendments and provisoes added by the lords' committee. They appear to have been so distasteful that on the second reading there was "a great cry to cast it out," and so it was rejected. Journ. H. of C. pp. 265, 267, 268, 272, 273, 276, 284, 286, 311; Journ. H. of L. pp. 433, 435, 437.

[111] A new "bill for the better direction of ecclesiastical proceedings" was on March 26th substituted, and read twice and committed. Journ. H. of C. pp. 274, 290, 291, 298.

[112] A collection of grievances was read on March 15th, the first being the "restoring of deprived ministers." Sir R. Spencer urged "against the self-weening opinion of some ministers," who appear to have thought that "matters of discipline" might be "changed according to times and places," that "ceremonies agreed upon by a general convocation" were "not to be subject to any private man." One member proposed a conference with "the bishops to know whether they were justly or unjustly put out," but another remarked that the ordinary way was to petition the king; but it was in the end resolved to confer with the lords before the matter was put to the question. The bill had been read a second time and committed; its title was then altered, and it was read a third time as a bill "to enable suspended and deprived ministers to sue and prosecute

simony,[113] for the restraint of the execution of canons ecclesiastical not confirmed by parliament[114] and concerning sanctuary.[115] Grievances "touching the church" in the matter of the high commissions,[116] and a variety of others, arranged under four heads, were also brought forward and dealt with by committees appointed by both houses.[117] In the House of Lords few church measures of any importance were initiated, but we meet with a bill against swearing, and another "concerning the matter of excommunication."[118] Convocation does not appear to have been consulted in any matter.[119]

their appeals." It was proposed, on May 12th, that the matter should be verbally presented to the king, which was done, and the subject was debated by the committees of both houses, and reported on by the primate. Journ. H. of C. pp. 274, 279, 284, 285, 290, 292, 308, 309; Journ. H. of L. p. 426.

[113] It was read a second time and committed. Journ. H. of C. pp. 288, 294.

[114] This passed in the commons and was read a second time in the lords. Journ. H. of C. p. 305; Journ. H. of L. pp. 426, 428.

[115] The bill for the abolition of sanctuary was read a third time in the lords. Journ. H. of C. pp. 310, 311; Journ. H. of L. pp. 426, 431, 436. On being sent back to the commons, it was resolved that it should sleep. Journ. H. of C. p. 311.

[116] The grievance speaks of two commissions, one of them being for York. Journ. H. of C. p. 286; ante, p. 343, n. 85.

[117] The four heads were: 1. Touching the deprivation, suspension, and silencing of ministers. 2. Touching the multiplicity of ecclesiastical commissions. 3. Touching the form of citations. 4. Touching excommunications. Committees of both houses met frequently to discuss them. Journ. H. of C. pp. 294, 296, 299, 302, 303, 304, 306, 308; Journ. H. of L. pp. 360, 407, 418, 422, 424, 427; Parl. Hist. I. p. 1067. The commons also took note of "a sermon" preached by "one Parker, a chaunter in the cathedral church of Lincoln and a member of the convocation house," and appointed a committee to see to and consider it, and would have sent for him by the serjeant, but the king promised to make an example of him. Journ. H. of C. pp. 312, 313.

[118] Two bills were brought in against swearing. Journ. H. of L. pp. 364, 365, 368, 369, 381, and each were read twice. The one against abuses of excommunication was framed, upon the king's command, by the primate; complaint had been made of its being used in very small matters, and the king held it "unfit to be used but in great matters." It was read a third time and sent to the commons, who rejected it on the first reading "with much distaste." One member hoped the king would see it, and see that it was "mere spleen." Journ. H. of L. pp. 405, 436—438; Journ. H. of C. p. 311.

[119] The commons declined, on March 7th, 1620, to meet any committee of convocation, but agreed to hear them in committee, either in person or by counsel, as parties interested. Journ. H. of C. I. p. 543; see also p. 668, II. p. 35.

21. A.D. 1606. On July 10th, a proclamation ordered all Jesuits, seminaries, friars, and all other priests to depart the realm before August 1st,[120] and on September 26th, Paul V. forbad the taking of the oath of allegiance.[121] In November, parliament and convocation met. In that of Canterbury,

the primate told the clergy of the king's consent to put a restraint on prohibitions, and declared "to both houses the king's pleasure for singing and organ service in cathedrals." A folio book, in manuscript, was also read by the archbishop's secretary.[122]

22. In parliament, with the exception of one act, no measure passed affecting matters of ecclesiastical cognizance.[123]

Several bills were, however, brought into the commons touching church affairs. Bills "to direct some proceedings in ecclesiastical courts and causes,"[124] to "restrain the execution of canons ecclesiastical not confirmed by parliament,"[125] to "prevent causeless divorces

[120] Strype, Ann. IV. pp. 399, 381; ante, p. 321, § 7. The priests "in hold" were to be sent away too. The object of the proclamation being "to avoid the effusion of blood." See Birch, I. p. 65.

[121] Wilk. Conc. IV. pp. 430, 431; Collier, VII. pp. 330—332, 335, 342, 343; IX. p. 365; St. Pap. Dom. James I. XXIII. No. 15; XXVIII. No. 53. The authenticity of the bull being disputed, it was followed, on August 23rd the next year, by another confirming it. See Tierney, IV. pp. 74, 75; Lingard, VII. pp. 47, 49; Flanagan, II. pp. 229, 301; Panzani, p. 77; Spondanus, III. p. 132; App. R.

[122] The contents of the book are unknown. Wake says that it was the one "delivered to be considered of last year," *i.e.* Overall's book, the first part of which was read and subscribed in the York convocation. The convocations met on November 19th, no business being done at York, unless it were the subscription of Overall's book. Both were finally prorogued to February 10th, 1610. Wake, p. 509; Wilk. Conc. IV. pp. 429, 433, 437; Strype, Ann. IV. p. 408; Card. Synod. II. p. 589; ante, p. 348.

[123] Parliament met on November 18th, being prorogued on July 4th, 1609, and thence to February 9th, 1610. The 4 Jac. I. c. 5 provided for the repressing of the odious and loathsome sin of drunkeness, but preserved the ecclesiastical power and jurisdiction. See Can. 109.

[124] This was read thrice in the commons and sent up to the lords, where it was read once, as "an act to direct some proceeding in causes and courts ecclesiastical, touching accusation and the oath *ex officio*." Journ. H. of C. pp. 326—329, 1005, 1006, 1008; Journ. H. of L. p. 465.

[125] It passed the commons and was sent up, with a strong recommendation, to

and separations of man and wife, and to continue the rights of lawful matrimony,"[126] against non-residence and pluralities of benefices"[127] and "disorders in ministers,"[128] for "the more assured execution of justice in ecclesiastical courts and causes,"[129] for "the amortising of lands to poor churches, and for better serving of cures,"[130] and for the "reformation of the abusive suing for tithes in ecclesiastical courts,"[131] and for the reformation of the high commission,[132] were presented or read.

the lords, where it was read twice and committed. Journ. H. of C. pp. 326, 1005, 327, 1006, 329, 1009, 338, 1012, 1013, 348, 1026, 350, 1029; Journ. H. of L. pp. 485, 489, 503.

[126] It was thrown out on the second reading. Journ. H. of C. pp. 328, 1008, 331, 1011.

[127] The bill passed the commons and was sent up to the lords, with (like the one for the execution of canons) special recommendation, where it was read once. Journ. H. of C. pp. 342, 1021, 348, 1026, 350, 1028; Journ. H. of L. pp. 485, 489. On May 18th, the House of Commons appointed a special committee of the privy council, who were members of parliament, to consider the course to be taken touching the matter, and also "touching the more free preaching of the gospel." Journ. p. 375.

[128] The bill against "disorders in ministers" was brought into the commons on February 26th, and was sent up to the lords on May 12th as "an act for the explanation of the statute of 13 Eliz. touching disorders of ministers in the church and touching subscription." It was read once in the lords. Journ. H. of C. pp. 1021, 346, 1025, 350, 1028, 353, 1031, 366, 1040, 372, 1045; Journ. H. of L. pp. 508, 510; and see H. of C. pp. 302, 304, and the matters debated there. The point was raised that the proceedings for deprivation were *coram non judice*, and that the bishops were, as the attorney-general confessed, "all in the king's mercy." It was supposed that the repeal of 1 Mar. sess. 2, c. 2 had revived the 1 Edw. VI. c. 2, but the judges held that the 25 Hen. VIII. c. 20 was in force, and that, as being contrary to the 25 Hen. VIII. c. 20, the 1 Edw. VI. c. 2 remained repealed. 12 Rep. p. 8; 1 Eliz. c. 1, § 7; 8 Eliz. c. 1, § 2; Wilk. Conc. IV. p. 534; Card. D. A. II. p. 212; Gibson, I. pp. 132, 967.

[129] This was read twice in the commons. Journ. pp. 345, 1023, 374, 1045.

[130] It was read twice and committed. Journ. H. of C. pp. 373, 1044, 374, 1045.

[131] This was read once only. Journ. H. of C. p. 374; see Burn. III. p. 750, ed. 1848; Fulbecke, II. p. 8; Degge, pp. 368—407.

[132] The bill was read once on June 25th, and committed the next day to all the privy council and civil and common lawyers in the house. Journ. H. of C. pp. 387, 1054. On March 17th, 1605, the commons had complained of two high commissions. But the commission of February 9th, 1605, extended to the united kingdom, Scotland excepted. Ante, p. 343, § 15, n. 85; Journ. H. of C. p. 286. The power to fine and imprison was disputed and objected to. Fuller, a bencher

A petition to the king (read on June 18th), "containing matters of grace, satisfaction, and respect to the house," besought him

1. To command the civil and ecclesiastical judges to a more full execution of the laws against recusants, "Jesuits, and priests, the authors of the separation, the forgers of conspiracy, and firebrands of sedition and separation." The bishops to be commanded to ease the church of ignorant curates and ministers, and to close the doors against the entry of the like hereafter, as well as those whose scandalous and offensive lives and impiety were not only a stain on their calling but a blot to religion.

2. That non-residence be discountenanced and discouraged.

3. That dispensations for plurality and commendations be restrained.

4. That to meet the want of preaching ministers, the late deprived, suspended, and silenced ministers may be restored to the use of their ministry.

After reading, it was resolved to "contest no more with the king," but to let the petition "sleep."[133]

23. A.D. 1607. On May 7th, Bancroft inhibited certain unlicensed schoolmasters at Torrington,[134] and on September

of Gray's Inn, had argued, in the case of Richard Maunsell, his client, that the commissioners had no power to imprison, but was locked up, by Bancroft, for life, for his pains, as an example and warning to others. He died in prison in February, 1619, at the age of 76, leaving behind him "the reputation of an honest man." Birch, I. p. 69; Neal, I. p. 419; Fuller, Ch. Hist. X. pp. 55, 56; see 4 Inst. pp. [325—335].

[133] Journ. H. of C. pp. 375, 382, 384, 385, 1053; ante, n. 124. Report was made, on June 9th, of the labour of the committee of May 18th, and a draft petition was delivered. On June 16th, the speaker said the king had taken notice of the petition, and said he would ever be most careful to execute those laws; that it was a matter merely belonging to himself, and that it shall be needless to press him in it. This message was looked on as a wound to the gravity and liberty, and as an arrest, of the whole house, and it was urged that the petition be read. The speaker, however, replied that there were many precedents in the late queen's time where she restrained the house from meddling in petitions of divers kinds. It was, however, read with the king's consent on June 18th. In the course of the debate it was said that there were 400 Jesuits and seminaries in England, and "40 simple people converted in one year by one Jesuit"; and that out of 8000 parish churches there were not 2000 resident preaching ministers, and not 1000 that preached once a month, and not 500 single beneficed, whilst 300 were deprived, suspended, or silenced. See Collier, IX. p. 362; ante, p. 342, n. 82.

[134] Wilk. Conc. IV. p. 430; see Card. Synod, II. pp. 712, 713; Can. 77, 78;

18th, Bellarmine wrote to Blackwell, the archpriest, sharply rebuking him for having taken the oath of allegiance.[135] This year, too, Babington visited his diocese,[136] and Cowell's "Interpreter" was published.[137]

24. A.D. 1608. On July 24th, the king wrote to the Bishop of London, requiring him to see to the repair of St. Paul's Church.[138] He is also said to have

"had two or three conferences of late with the judges about prohibitions, as well touching the clergy and high commission, as the courts of York and Wales, which prohibitions he would fain cut off, and stretch his prerogative to the utmost. The judges stand well yet to their tackling; but *finis coronat opus.*"[139]

25. A.D. 1609. In January, Bancroft visited his diocese, and set forth a set of injunctions for his cathedral. The two first prescribed,

1. "That the epistle and gospel be every Sunday and holy day

Strype, Whit. App. p. 226; 1 Salk. p. 105. One reason for the strict watch kept over schools was that the alien priests sometimes took upon themselves the guise of teachers.

[135] St. Pap. Dom. James I. XXVIII. No. 53; Collier, VII. pp. 344—349, IX. p. 367; Tierney, IV. p. 75, pp. cxlviii. clvii. Blackwell was deposed by the pope on February 1st, 1608. Bellarmine wrote against the oath under the name of Tortus, and Bishop Andrewes wrote the "Tortura Torti" in reply. Halliwell, II. p. 115; Birch, II. pp. 77, 81. It was put in the *Index*. Ante, n. 121.

[136] Babington asks, Art. 3, "whether is the prescript form of divine service used . . according to the book of common prayer, and whether doth your minister duly observe *all* the orders, rites, and ceremonies prescribed in the said book of common prayer, as well as in reading public prayers, the litany, as also in administering the sacraments in such manner and forme, wearing the surplice, as by the book of common prayer by law now established, is enjoined."

Art. 17. "Whether doth your minister wear the surplice whilst he is saying public prayers and administering the sacraments, and if he be a graduate . . . such a hood as by the order of the university is agreeable to his degree, according to the 58th Canon." Rit. Com. Rep. II. pp. 453, 454.

[137] The book was suppressed and, in 1610, by a proclamation, denounced and called in as a pernicious work made against the honour and prerogative of the crown and the dignity of the law, the author being imprisoned. It was not published again until 1637. See the work, s.v. "King," "Parliament," "Prerogative"; St. Pap. Dom. James I. LIII. Nos. 39, 130; Neal, I. p. 441.

[138] Wilk. Conc. IV. p. 433. £60,000 was wanted. Ellis, III. p. 221 (1st ser.)

[139] Birch, I. p. 80.

read, according to the book of common prayer, in some convenient place near the communion table, and in copes."

2. "That upon solemn feast days the sermon be made before the communion, the moveable pulpit being placed either in the presbytery or in the quire, and every afternoon on such days there be a sermon for the city in the ordinary place."[140]

Later on a commission of review went to Sir J. Croke and others to examine a pretended contract of marriage.[141] The

[140] We have in the first injunction not only an authoritative explanation (by the framer) of part of the 24th canon, but the interpretation put upon it is also enjoined and enforced, as law, at his visitation. Now, the first book of Edward VI. said nothing of "the gospeller and epistler," but ordered "albs with tunicles" (not copes) for those priests or deacons who were "to help the priest in the ministration as shall be requisite," the *priest*, or he that is appointed, having to read the epistle, and either "the *priest* or deacon" the gospel. The Advertisements altered all this, directing that "in cathedral and collegiate churches the principal minister shall use a cope with gospeller and epistler *agreeably*," *i.e.* that in addition to the one cope ordered for the minister, two were to be worn by his assistants. The canon adopts this new order, and to prevent mistakes as to the source and authority, the words "according to the Advertisements published *anno* 7 Eliz." are added. (See ante, p. 327, l. 19, where, instead of "epistoler, agreeably to the Advertisements," it should be "epistoler agreeably, according to the Advertisements published anno 7 Eliz.") The certificate mentioned by Strype (ante, p. 234) must thus have been given in *after* the setting forth of the "ordinances accorded by the Archbishop of Canterbury in his province," seeing that the use of copes for the "pisteler and gospeler" was no where else then ordered or required. The order of the first book, and of the proviso and rubric, was thus, in 1565—6, *varied* and *set aside*, and, in 1604, deliberately adopted and affirmed by Bancroft, the bishops, and convocation, although in direct conflict and wholly inconsistent with, both act and rubric. They thus recognised, enforced, and sustained the order of the Advertisements as the law of the church in the matter. There is here no possible question of a *maximum* or *minimum* of observance, and there is no escape from the inevitable conclusion. Neither the first book of Edward VI., nor the Advertisements or canon, specified the kind of cope to be used, the canon merely prescribing a "decent" one. It was not an eucharistic vestment at all, and if the out-door or processional cope be, as it would seem, the one meant and ordered, they were worn by laity and clergy alike on occasions of state and ceremonial. Laud was charged with introducing "gaudy *Romish* copes into his chapel (never used in his predecessors' times)," these "gaudy copes" being directly derived from the papists' wardrobes. He defended himself by quoting "the 24th canon of our church, anno 1603." Wilk. Conc. IV. p. 436; Prynne, Cant. Doom. p. 64; Hierurg. Ang. pp. 138—173; ante, p. 331, n. 54, and post, n. 241. The pulpit preserved in Westminster Abbey, said to have been used by Cranmer, is an example of a "moveable" one.

[141] On August 30th. St. Pap. Dom. James I. XLVII. No. 102. The case was

pope, too, appears to have complained to the King of France that King James abused him continually in table talk, and called him Antichrist at every word, which so incensed his holiness, that some papists feared it would "drive him to thunder and lighten with excommunication."[142]

between L. Morley and Joan Bereblock. On May 16th, 1613, we have another, to the primate and others, delegates, to examine the nullity of the marriage between the Earl of Essex and the Lady F. Howard. Collier, VII. p. 381; St. Pap. Dom. James I. LXXII. No. 133; St. Trials, I. p. [315]. On July 17th, 1622, a commission was issued to the Bishop of Winchester and Sir J. Doddridge to decide a matrimonial cause. On June 15th, 1624, the sentence of the delegates in a dilapidation suit between the Bishop of Durham and the administrators of the late archbishop was confirmed on review. Laud, Hist. pp. 9, 10; St. Pap. Dom. James I. CXXXII. No. 46, CLXVII. No. 67. None are noted in Mr. Rothery's valuable return. See post, n. 171.

[142] Birch, I. pp. 87, 88. The king may have referred to the papal claim to be the Vice-Christ on earth, and have used the term in no intentionally offensive sense, but as merely expressing a well known pretension. In the sermon preached, on November 28th, by Bianchi, at Rome and at St. Peter's, "imminente Oecumenico concilio Vaticano," the wonders foretold (Luke xxi. 25—28) were applied to the meeting of the so-called Œcumenical council. "Ecce," said the orator, "jam dies magni judicii appropinquat, et videbunt omnes gentes Christi sponsam ecclesiam, innixam super dilectum suum . . . . in judicium exurgere; et vel impii ipsi, licet inviti, eam vere divinam fateri cogentur. Et vere divinam jam eam ostendunt signa illa, quae, sicut in Christi judicio, praecedunt in caeli ac terrae universae commotione . . . quia *judicium est mundi*, ... quia *princeps hujus mundi* . . . . *ejicietur foras*." . . . . "*Ast judicium* jam *sedit*, et videbunt omnes populi Christi Vicarium in virtute multa et majestate, et omnes ecclesiarum angelos cum eo, qui in veritate judicabunt in nationibus. Judicabunt et afflante Spiritu Sancto . . . purgabunt aream suam . . . veritatem ab errore secernent, et repetentes quod primo in Jerusalem est pronuntiatum, *visum est Spiritui Sancto et nobis*, Dei gloriam et laudem augebunt, fovebunt bonos, revocabunt errantes, *haereticos* ac improbos *coercebunt* et condemnabunt, . . . ac utinam fiat, fiat *unum ovile et unus pastor*. . . Levemus igitur capita nostra, quia appropinquat redemptio nostra; . . et vos Patres, . . . laudis hymnum solvite et cantate Deo, . . . vos quoque judices constituit in domo sua, omne judicium et potestatem vobis relinquens." Acta et Dec. pp. 132, 133. "Exactly at half-past eleven" on the morning of July 18th, 1870 (amid a stillness and silence, broken only by peals of thunder, and a darkness made visible by quick flashes of lightning), in the gloom of a Basilica illumined by the dim light of a single taper, the voice of a feeble old man was heard proclaiming himself a Vice-God. And as the words were read which were to formally invest him with Divine powers, again the lightnings flickered and the thunders rolled. Some thought, it is said, of Sinai, but on that morning, we are told, "a dangerous heresy was destroyed, and the voice of God was heard speaking by a greater than Moses"! Just three months after, the Italian troops, accompanied by

The matter of prohibitions was also about May or June very

"hotly debated before the king, both by the judges and high commissioners, wherein the king played the best part in collecting arguments on both sides and concluding indifferently that he saw much endeavour to draw water to their several mills, and therefore advised them to think amongst themselves of some moderate course, wherein the good of the subject might be more respected than their particular jurisdictions." And for this purpose there was another day of meeting before the king set down for July.[143]

26. A.D. 1610. In February, parliament and convocation met.

In that of Canterbury little business was done. Some chapters of the book brought in by Bancroft, and mentioned before, were read; a conference between the bishops and the lower house was held, but there is no record of its results. It appears to have related to the value and plurality of benefices, the amount of tithes in lay hands, and the number and value of prebends, all being matters of grievance with the commons. On July 4th, one Croshaw (or Crosham), a clerk, was convented for publishing an erroneous book. On his expression of penitence and readiness to retract, the primate accepted his submission and dismissed him. In the York assembly nothing, save the granting of a subsidy, was done, and both convocations were dissolved on February 11th the next year.[144]

27. In parliament the old grievances were revived, and many bills were again brought in, committees for religion being appointed.

Bills against non-residence and pluralities,[145] against scandalous

six colporteurs, entered the eternal city, and the vision and dream of an universal dominion passed for ever away. The Vatican, pp. 390, 391.

[143] Birch, I. p. 99. No account of the July meeting has been met with.

[144] Wilk. Conc. IV. pp. 437, 438, 444; Strype, Ann. IV. p. 398: Card. Synod. II. pp. 591, 592.

[145] The bill passed the commons, and was sent up to the lords on March 2nd, where it was read twice and committed, and finally lost sight of in two sub-committees. The king, in reply to the commons' grievances, said he would order the bishops to enforce the canons. Journ. H. of C. pp. 393, 394, 396, 400, 403, 420, 432; Journ. H. of L. pp. 559, 562, 584, 587, 609, 616, 621, 630, 631, 637.

ministers,[146] on ecclesiastical matters,[147] for preaching ministers in appropriate parsonages,[148] for the restraint of the execution of canons not confirmed by parliament,[149] about prerogative courts and ecclesiastical jurisdiction,[150] concerning silenced ministers, the articles of religion and subscription,[151] against the oath *ex officio*,[152] and abuses of excommunication.[153] Committees on matters of religion were appointed, and conferences held between the two houses, who were said to form "one body and one council";[154] whilst, at the close of the session, the royal answer to the grievances of the commons was formally given to both houses of parliament.[155] No bills affecting

[146] It passed the commons, and was read twice in the lords and committed. Journ. H. of C. pp. 415, 418, 443, 445, 446; Journ. H. of L. p. 641.

[147] Journ. H. of C. pp. 408—410, 413, 415. They appear to have related to ecclesiastical jurisdiction and subscription, and to have been referred, on the king's motion, to a, or the, committee for matters of religion.

[148] It was read twice and referred to the committee for religion. Journ. H. of C. pp. 412, 416.

[149] It passed the commons, was read twice in the lords, and committed. Conferences and committees of both houses were then held, but the bill did not become law. Journ. H. of C. pp. 417, 418, 420, 446; Journ. H. of L. pp. 584, 592, 611, 631, 636, 637, 638, 640, 641.

[150] The bill on prerogative courts was rejected on the second reading. Journ. H. of C. pp. 416, 418. That on the ecclesiastical jurisdiction was read a third time; it seems to have related to the high commission. Journ. H. of C. pp. 423, 425, 428, 430. It was read once in the lords. Journ. pp. 598, 605.

[151] It appears to have been read once, a member remarking that the ministers were not silenced for not subscribing the canons, but by the statute 13 Eliz. c. 12. (The journals have 1, 13 Eliz.) Another member pointed out that "this book of common prayer (was) not confirmed by parliament." The subject was finally agreed to be dealt with by way of petition. Journ. H. of C. pp. 420, 421. An act concerning subscription passed the commons, and was read once in the lords. Journ. H. of L. pp. 620, 622; Journ. H. of C. pp. 433, 441.

[152] It passed the commons, and had one reading in the lords. Journ. H. of C. pp. 429, 435, 438, 441; Journ. H. of L. pp. 620, 622. The oath *ex officio* came in the 2 Hen. IV. Journ. H. of C. 1. pp. 503, 378.

[153] The bill was recommitted in the commons, and finally the matter was dealt with as a grievance. Journ. H. of C. pp. 421, 424, 447, 448.

[154] Journ. H. of L. p. 590.

[155] The grievances were: 1. The non-execution of the laws against recusants. 2. Touching deprived and silenced ministers. 3. Pluralities and non-residence. 4. The abuse of excommunication. 5. The high commission. 6. The stay of writs of prohibition. Journ. H. of C. pp. 420, 422, 427, 443, 446, 447; Journ. H. of L. pp. 658, 659; Neal, 1. pp. 443—447; Parl. Hist. 1. p. 1135.

church matters passed, save the one concerning the receiving of the sacraments.[156]

The king's answer to the grievances of the commons pointed out:[157] That there had never been any church in the world that allowed ministers, who had refused subscription to its doctrine or discipline, to preach in it or be maintained by it; but that, on knowing the numbers, names, and qualities of those on whose behalf the petition was made, he would take such order as seemed to him most convenient.

That he had in detestation the covetous and immoderate heaping of benefices together, specially where the cures were neglected, and until further provision were lawfully made, he would lay a strict charge on the bishops, on pain of displeasure, to see that Canons 41 and 47 were carefully observed.[158]

That as to excommunication, at the conference at Hampton Court, the clergy, by the king's direction, had made a constitution with a condition, which the king had confirmed, and a bill had been drawn up and sent to the lower house on the subject, but found no passage there.

That as to the high commission, the royal assurance was given that the ecclesiastical commissions should "not be directed to singular persons, but to such a number of commissioners, and them so selected, as the weight of such causes doth require," no definitive sentence to be given under the number of seven, or at least five, sitting in court, and then only in case of need. That advantage would not be taken of the power given by the statute to grant forth any commissions extending further to imprisonment and reasonable fine, and then only for the two provinces of Canterbury and York; and no one to be drawn from remote parts except for exorbitant offences; and the list of these was difficult, seeing that no ancient canons or spiritual laws were in force, that were contrary to the laws and customs of the realm and the prerogative royal.

That, as to the grievances in the commission, the king being *Mixta Persona* and having authority in causes ecclesiastical and temporal, it was wisely ordained (church matters being impugned and

[156] 7 Jac. I. c. 2.

[157] Journ. H. of L. p. 658.

[158] On May 24th, a bill to naturalise the Bishop of Derry was brought in, a bishop in Ireland, a dean in England and a parson in Somerset. Journ. H. of C. pp. 432, 442; but see Collier, VII. p. 383.

church censures despised) that there should be a commission with power for one offence at one time, and by one sentence, to inflict both a spiritual and temporal punishment. That as the enquiry by juries had not been for many years practised, it should be left out of future commissions, but that in future, upon just cause, a commission of review should be granted.[159] That the temporal and ecclesiastical judges, assisted by the king's council, should confer on the exceptions taken, but no innovations were to be made in the forms and proceedings, though the fees should be reviewed and reformed.

That all abuses in the execution of the commission should be reformed and the subject eased from charges and vexation.

That whilst upholding all the courts of justice, both ecclesiastical and civil, care should be taken that the one did not encroach on the other, and for that purpose a certain order should be settled, both as to prohibitions and their incidents, so that they might freely proceed from such courts, in such causes and in such form, as had been accustomed by the ancient laws of the realm, and that the writs of *Habeas corpus* and *Homine replegiando* should be granted according to law. The grievance of Cowell's "Interpreter" had been dealt with by committees, conferences, and by a proclamation.[160]

28. Bancroft is said to have offered "a significant project" to parliament for the better maintenance of the clergy, but it does not seem to have met with any success.[161] We have also a draft act said to have been laid before parliament for "furnishing the court of convocation" with fit members.[162] On June 2nd, came a proclamation against recusants, Jesuits, seminaries, and other priests.[163] On July 27th, Bancroft sent

[159] See on this the commission of August 29th, 1611, post, n. 168.

[160] Ante, p. 356, n. 137; Journ. H. of C. pp. 399, 400, 404, 405, 407, 414, 416; Journ. H. of L. pp. 557, 560—562; Parl. Hist. I. p. 1122; Birch, I. pp. 112—131; Hallam, C.H. I. p. 340.

[161] It is given in Collier, VII. pp. 352—358. A return, made apparently about this time, gives 8803 benefices in England and Wales, of which 3277 were impropriate, or in lay hands. 4543 livings were under £10 a year; 1445 over £10, but under twenty marks; 1604 over twenty marks, but under £20; 593 of £20, but under £26; 206 of £26, and under £30; 248 of £30, and under £40; 144 of £40, and upwards; 3236 were vicarages. Collier, IX. p. 362.

[162] The object was to provide that no one, unless resident on his cure, should either vote for, or sit as, a member of convocation. Wilk. Conc. IV. p. 439.

[163] They were to leave the kingdom by July 4th next, or suffer the penalty of

a stringent letter to the bishops concerning pluralities and other abuses and grievances.[164] On October 15th, the king commissioned four bishops to consecrate three Scotch ones, and on the 19th, Bancroft issued his mandate therefor.[165] A

the law. The proclamation, like the 7 Jac. I. c. 6, was caused by the murder, on May 3rd, of Henry IV. of France by Ravaillac. The commons had especially pressed the need of lenity to the puritans and of severity to recusants, and the general feeling, already excited by the Gunpowder and other plots, became exasperated and uncontrollable on this last outrage. As the Jesuits were suspected of complicity with the crime, the work of Mariana was ordered by the French senate to be burnt, and that of Bellarmine was interdicted. The murder in 1589 of Henry III., by Clement the Dominican, had been approved of by Sixtus V., who in consistory "loüa le zéle et le courage de Jacques Clement, quil compara à Judith et à Eléazar." It followed upon the formal excommunication of that monarch, and so was justified by the rules of the canon law and usage of the "church." Wilk. Conc. IV. p. 438; Card. D. A. II. p. 113; Parl. Hist. I. p. 1127; Collier, VII. p. 358; Birch, I. p. 113; Journ. H. of C. I. pp. 432, 433; Journ. H. of L. II. p. 601; Tierney, IV. p. 77; Lingard, VII. p. 61; Fleury, E. H. XXXV. pp. 262, 266, 274; Spondanus, III. pp. 38, 136; Palatio, IV. col. 391, 505.

[164] It resulted from the complaints made in parliament and the king's reply. Pluralities and non-residence, the oath of allegiance, the proceedings of chancellors and other church officers, the apparel of ministers, whose "pride in that respect" was never so great, from the dean to the curate (to say nothing of their wives, whose garniture was in excess of their husband's), were ordered to be seen to and remedied, whilst the order of Queen Elizabeth directing the purchase and use of Jewel's works was enforced. Card. D. A. II. p. 120; Wilk. Conc. IV. p. 440.

[165] Wilk. Conc. IV. p. 443; Collier, VII. p. 364. Andrewes, who was one of the four, objected that they ought first to be made priests, as not having been ordained by a bishop. Bancroft overruled the objection, citing "considerable precedents in the ancient church." The cases of Ambrose, who received baptism and a bishopric, and whose ordination was authorised by the emperor upon his election by the people, with those of Nectarius, the unbaptised prætor, and Eucherius, were alleged, to which the earlier one of Alexander, the charcoal burner, and others, might have been added. So late as the sixteenth century a layman, even though married, was eligible for the papacy. In an old *Pontifical* we read: "Si forte electus in Papam esset merus laicus (nam et laicus eligi potest, dummodo sit Christianus et catholicus), accipit primam tonsuram," etc.; and further on: "Si vero electus in Romanum Pontificem non esset in sacris ordinibus constitutus, ut de Petro Moroneo, Anchoreta, et de quibusdam aliis patrum memoria accidit," etc. The later and modern pontificals omit the *Ordo*, whilst asserting, in the well-known lines, the ancient use:

"Vos, o Pontifices, vos o sacra nomina Mystae,
* * * * *
Huc animum, huc Oculos, vobis hic Sancta laborat
Religio, et Latii sancit decreta Senatus
Multa docens, et quos praescribit Romula ritus
Infula, et antiquum templorum insistere morem." (Ad Lect.)

high commission was also set up in Scotland, and soon after Bancroft died.[166] About this time, Melville, a Scotchman, was sent to the Tower for a distich on the ornaments of the king's chapel.[167]

29. A.D. 1611. In August, a new high commission issued. The commissioners had power to enquire

of all and singular apostacy and heresies against the religion established, etc., to examine offences of ministers, etc., and to punish offenders by ecclesiastical censures and reasonable fines and imprisonment. No sentence was to be given without the presence of three or more commissioners, and a clause was added for "a commission of review to be sued from his majesty by such as find themselves grieved with any sentence."[168]

On November 24th, Abbot, the new primate, recommended the Bishop of Peterborough to be careful not to allow deprived ministers to preach in his diocese.[169]

And we read in an edition of Panormitan, sanctioned by Pius IV. and approved of by his successor, M. Ghislerius, then *Inquisitor meretissimus*, "In papam potest eligi uxoratus," as well as "Papa potest esse haereticus, licet rogaverit Christus pro Petro. Fides Petri est fides universalis ecclesiae, quae potest remanere in sola muliere." Fleury, E. H. II. p. 138, Lib. vi. § 14; IV. p. 301, Lib. xvii. § 21, p. 399, Lib. xviii. § 5; Pontif. Rom. fo. 37 b, 38 a, Venice, 1561; Sacr. Cærimon. fo. 9 a; and see 6 a, where we are told: "Romanus Pontifex canonice institutus nullo humano judicio judicari possit, nisi fiat hereticus." Ed. Venice, 1516; Rome, 1560; Compendium, pp. 256, 257.

[166] Collier, VII. pp. 365, 366; Cyp. Ang. p. 57—59.

[167] It runs:

"Quod duo stent libri clausi Anglis Regia in ara,
Lumina caeca duo, pollubra sicca duo.
An clausum caecumque Dei tenet Anglia cultum
Lumine caeca suo, sorde sepulta suâ?
Romano et ritu dum Regalem instruit aram,
Purpuream pingit luxuriosa lupam."

The critic had some five years given him for meditation before he was released. Birch, I. p. 127; Fuller, X. p. 70.

[168] August 29th. For the abstract see St. Pap. Dom. James I. LXV. No. 88. There were eleven bishops, five deans, twenty doctors of divinity, one bachelor of divinity, twelve peers, ten judges (Sir E. Coke amongst them), the judge of "our court of prerogative," the attorney-general and solicitor-general, four serjeants, three masters of requests, eleven civilians, and eleven other laymen, officers of state, etc., or fifty-four lay, and thirty-seven clerical, members. See ante, p. 288, n. 312; p. 343, n. 85; and the terms of the commission of 1620, Rymer, XVII. p. 200. The clause granting a commission of review was continued in the subsequent ones.

[169] Collier, IX. p. 371; St. Pap. Dom. James I. LVII. No. 58.

30. A.D. 1612. In February, Legate was "sentenced and excommunicated in the consistory" at St. Paul's.[170] On May 7th, N. Tattersall, vicar of Oswestry, was deprived by the delegates for grave crimes.[171] The new archbishop's metropolitan visitation began this year, and King visited the diocese of London.[172] About this time Gerard Prior, vicar of Elsfield, was articled by his parishioners for irreverent acts.[173] Nothing of importance took place until the meeting of parliament in 1614.

31. A.D. 1614. On April 5th, parliament met, but in it, says Fuller, "many things were transacted, nothing concluded." The Bishops of Chichester, Lincoln, and Rochester appear to have given offence, and to "save them from the storm," as was supposed, the parliament was broken up.[174]

[170] Birch, I. pp. 136, 164. The warrant to the lord chancellor to issue a writ for burning Wightman was dated March 9th, and that for burning Legate "for divers horrible heresies and blasphemous opinions" on March 16th, and on March 25th he was executed. St. Pap. Dom. James I. LXVIII. Nos. 72, 76, 83; Fuller, X. pp. 63, 64; Collier, VII. p. 380; ante, p. 206, n. 304.

[171] We have also the deprivation, by the delegates, on May 22nd, 1617, of M. Mady, rector of Blagdon, for grave crimes and excesses; on April 29th, 1619, of J. Eaton, vicar of Wickham Market, for heresy (nonnullos et varios errores, falsaque opiniones); on February 13th, 1623, of J. Newton, parson of Havordstocke, for non-conformity (inconformem regimini et ritibus Ecclesiae Anglicanae incorrigibilem); and, in 1624, of Samuel Earle, rector of Thoynon Garnon. That they are commissions of delegates is plain by the names, but they are omitted in Mr. Rothery's return. St. Pap. Dom. James I. LXIX. No. 2, XCII. No. 38; CVIII. No. 84, CXXXVIII. No. 98, CLXVIII. No. 50; Chas. I. XL. No. 47. See Rothery, p. 9.

[172] Both of them repeat and enforce Bancroft's enquiry as to "copes or other vestments." Both insist on the order prescribed in the book of common prayer, and yet enforce verbatim that of the canons. Both look upon "copes and other vestments" not as the lawful ornaments of the minister, but as "ornaments of superstition," neither to be retained nor used, nor kept for future use even in a private house. Wilk. Conc. IV. p. 444; Card. D. A. II. p. 130; Rit. Com. Rep. II. pp. 461, § 63; p. 467, § 31; and see Abbot's articles for 1616, p. 472, col. 2, § 7.

[173] He was suspended, for that in speaking against dancing on Sundays, he had prayed God to turn the king's heart from profaneness. A petition, backed by the archbishop, was presented to the privy council for his release from the suspension. St. Pap. Dom. James I. LXXI. No. 88; CX. No. 27, ii. 1, 30, 63.

[174] Ch. Hist. X. p. 68; Journ. H. of C. pp. 498, 499, 501, 504; Journ. H. of L. pp. 710—712; Parl. Hist. I. pp. 1159—1162, 1166; Birch, I. pp. 308, 312—326.

The two convocations met the next day, but no business of importance is recorded. One Griffin confessed and recanted certain blasphemous errors, and the conversion of a Dr. Alabaster was announced.[175]

In the commons, no ecclesiastical bills became law.

A committee was, however, appointed to search out and "peruse over the sleeping bills concerning matters of church and commonwealth."[176] A bill against ecclesiastical courts, and the oath *ex officio* was read twice;[177] and a debate ensued upon abuses and grievances.[178] It was also resolved to receive the communion, not at the abbey where common bread was not used, as ordered by Can. 20 and the book of common prayer but, at the parish church.[179] Bills against scandalous ministers,[180] for the better keeping of the sabbath,[181] against pluralities and non-residence[182] and the abuses of

[175] Alabaster was a Roman convert. Birch, I. p. 291. On June 18th, 1714, in accordance with the queen's letter of business, a form for admitting converts was drawn up by the bishops. If it were from Rome, the penitent was required to renounce all the errors and superstitions of the then Roman "Church," and, if a priest, to abjure the twelve last articles in the creed of Pius IV. as contrary to scripture, to acknowledge the royal supremacy as established by law and Article 37, and to conform to the established liturgy. Wilk. Conc. IV. pp. 445, 660; Card. Synod. II. p. 801. Convocation had, in fact, long before settled the question as to these new articles, and the absurd pretensions of the Roman apostacy. Overall, pp. 87, 197—216.

[176] Journ. H. of C. p. 457.

[177] They were said to be a greater charge than four subsidies, for as many as 160 at a time were "cited and, though no cause, pay fees," and "without any accuser." Journ. H. of C. pp. 461, 493, 503.

[178] They were: 1. Truth of religion, which established—No cross upon the bread at communion. 2. Growth of religion—resteth much upon the ministers . . . No proceeding against non-residents since 26 Hen. VIII.

[179] Journ. H. of C. p. 463. Perhaps the abbey bread had a cross upon it. St. Pap. Dom. James I. CXIX. No. 79; post, n. 210.

[180] It was read once. Journ. H. of C. p. 466.

[181] It passed the commons, and was read twice in the lords. Journ. H. of C. pp. 468, 492, 505; Journ. H. of L. pp. 706, 708, 713, 714.

[182] It was read twice and reported. Objection was also taken to clergymen being justices of the peace. One member moved for a conference with some of the convocation house, if it might stand with the order of the house, but Sir E. Sands moved for a conference with the bishops, as lords of parliament, and not with the convocation house or council. Three out of five ministers were said to be either non-residents, drones, or scandalous, and as many non-resident as at the

excommunication,[183] for a return of fees received in the ecclesiastical courts,[184] and to restrain the execution of canons not confirmed by parliament, were also introduced;[185] and on June 7th parliament was dissolved.

On September 28th, Abbot wrote to the Bishop of Peterborough to know whether several silenced men, especially Mr. Dodd and Mr. Cleaver, were permitted to preach in his diocese.[186]

32. A.D. 1615. On January 10th, the privy council restrained by an order the eating flesh in Lent; and about this time too, the pope commissioned the "English papists at the Spa" to "choose a catholic archbishop of Canterbury."[187] Peacham, the minister, who for a sermon found in his study had been arrested, "was like to taste of another cup." He had "been stretched already," though he was said to be an "old man and much above three-score."[188]

beginning of Queen Elizabeth's reign, and few seen in their own pulpits. The greater cause for a fit provision for ministers was spoken of, for now they were "lawfully married," but in Henry VIII.'s time "lived in another course." The bill was committed to the members of parliament, members of the king's privy council. Journ. H. of C. pp. 468, 482, 496, 497. The clergy in ante-Reformation times followed the ancient and modern Roman use, the honours of the house being done by the *cugina*. "Clerici hujusmodi concubinas tenent communiter apparatu honesto nomine appellationis *sororiae*." Lyndw. Const. Othon. p. 44, note d; Foulkes, Ch. Creed, p. 53; ante, p. 99, n. 61.

[183] It was resorted to in trifling matters. Journ. H. of C. pp. 463, 466, 469, 478.

[184] This was read once. Journ. H. of C. p. 489.

[185] It had one reading. Journ. H. of C. p. 503.

[186] St. Pap. Dom. James I. LXXVII. No. 90. See Can. 54 still in force.

[187] St. Pap. Dom. James I. LXXX. Nos. 1, 92.

[188] Birch, I. pp. 295, 298, 370; Hallam, I. p. 342. The sermon, which he had not preached, reflected on the king's extravagance. He was tried at the assizes, and condemned, but died in prison a few months after from the torture he had endured "by express command of the king." But for torture and the rack, as for burning alive for heresy, we are indebted to papal Rome. The common law of England knew nothing of these atrocities, for by it no one citizen could be taken, imprisoned, outlawed, exiled, or *otherwise destroyed* (*i.e.* forejudged of life, of limb, or disinherited, or *put to the torture* or death), but by the judgment of his peers or by the law of the land. 2 Inst. p. 48; 3 Inst. p. 35. After the Commonwealth there is no known instance of its use in England. Laud

33. A.D. 1616. This year the king's power to grant commendams was disputed in the common law courts. Coke's independence on this occasion brought the king's displeasure upon him, and was the moving final cause of the "thunderbolt" of a *supersedeas*.[189] On December 3rd, the king sent orders to the two universities,[190] and on the 6th, Laud was appointed to the deanery of Gloucester;[191] and we meet, too, with a form used for the consecration of a private chapel.[192]

34. A.D. 1617. Soon after his appointment, Laud went to Gloucester, and there,

finding "the communion table standing almost in the midst of the quire," he moved it to the east end, placing it altarwise along the wall, and gave the under-officers of the church directions to make "their humble reverence to Almighty God, not only at their first

threatened Felton in 1628, but on Felton's remarking that in that case he did not know *which* of their lordships he might name, the matter dropped. On November 14th, all the judges agreed that he ought not by the law to be tortured by the rack, "for no such punishment is known or allowed by our law." Rushworth, I. p. 638. On its folly, see Cicero, Orat. pro Sulla, c. 28. It was, however, the right hand of the judge of "the church" or papal courts. See their practice books, passim. See also Sonnenfels sur l'abolizione, and Jardine's Reading. 7 Ann. c. 21, § 5, as to Scotland. On the Roman rack, or equuleus (eculeus), see Cic. Mil. 21; Sigonius, p. 356; ante, p. 163, n. 103. The method of racking was that used in the inquisition at Rome to a very late date. The victim was "hanged up by the wrists," weights being attached to his feet. He was then jerked up and down, but "antequam elevaretur, benigne per D. monitus," etc. Birch, II. 202; Menghini, p. 278, Rome, 1730.

[189] St. Pap. Dom. James I. LXXXVII. No. 44 (June 6th); Collier, VII. pp. 389—393; Hallam, C. H. I. pp. 344—349; Birch, I. pp. 437, 441, 443, 448. "Prohibitions, præmunire, and prerogative" were the rocks upon which this profoundly learned lawyer was wrecked, and all for the time lost, save a good conscience and "the general applause and good opinion" of every one whose opinion was worth having. The holding livings *in commendam* by bishops was in practice nothing unusual. Laud, whilst bishop of St. Davids, owing perhaps to the poverty of the see, still retained Creek and Ibstock. Hist. p. 12; Hacket, p. 64.

[190] Heylyn, Life of Laud, p. 66; Wilk. Conc. IV. p. 459.

[191] Hist. etc. of Laud, p. 3; St. Pap. Dom. James I. LXXXIX. No. 64.

[192] Wilk. Conc. IV. p. 457; Collier, VII. pp. 385—395. It appears to have been used on two occasions. See Collier, IX. p. 371, for a "negotium consecrationis" of a church.

entrance into the quire but at their approaches toward the holy table, according to the custom of primitive times."[193]

The scarcity of preachers in the north may be gathered from a letter of Morton's.[194]

35. A.D. 1618. This year Selden published his *History of Tithes*, and was both answered by Montague and others as well as summoned before the high commission, but, upon an

[193] This began the struggle which, supplemented by Hampden's resistance, brought both Laud and Charles I. to the scaffold. Laud wrote to the Bishops of Lincoln and Gloucester in defence of his proceedings, saying that, "with the consent of the chapter, the communion table was removed to the upper end, as is usual in cathedrals," but a note on the margin of the letter to the Bishop of Gloucester calls this a "gross untruth." At all events Laud seems to have acted in the honest belief that the position at the east end (out of communion time) was the lawful one, and sanctioned both by the Elizabethan injunctions as well as by primitive use. St. Pap. Dom. James I. xc. Nos. 75, 82, 95, 102; Hist. etc. pp. 310, 327; Cant. Doom. pp. 73—78; Cyp. Ang. pp. 63—56. Can. vii., of 1640, relies on the "Injunctions and Advertisements of Queen Elizabeth of blessed memory" as ordering the placing of the table "sideway under the east window of every church and chapel," that being in fact the place where the altars stood, but it expressly points out that it is in its own nature a thing indifferent; for that, whilst "at the time of reforming this church from that gross superstition of popery, ... both the inclination thereto and the mind thereof, especially of the idolatry committed in the mass, for which cause all the popish altars were demolished," yet for convenience (and saving the general liberty of the bishop as to its place at communion), it was so to stand, but the communicants "to draw near and approach to the holy table, there to receive." Moreover, the situation was not to "imply that it is, or ought to be, esteemed a true and proper altar, whereon Christ is again really sacrificed; but it is, and may be called, an altar in that sense in which the primitive church called it an altar, and in no other." See Laud's Art. (1622), Rit. Com. Rep. II. p. 488, art. 1, and the canon. The bowing towards the table is in the same canon said to be "according to the most ancient custom of the primitive church in the purest times," and not to be an act of "religious worship to the table, the east, or church, or anything therein contained in so doing, or to perform the said gesture in the celebration of the holy Eucharist upon any opinion of a corporal presence of the body of Jesus Christ on the holy table, or in mystical elements." The bowing of Christian antiquity was, however, a reverence done, not to the table but, to the presence of Christ in the Gospels upon it.

[194] To Winwood. St. Pap. Dom. James I. XCII. No. 17. It states that there were not more than twelve preachers in the county of Northumberland. But as all were obliged to read an homily, the want, so far as the people were concerned, who had the liturgy, the lessons, and a homily read to them, was not perhaps so much felt.

humble confession of his error, appears to have escaped further punishment.[195] On May 24th, a royal "declaration to encourage recreations and sports on the Lord's day" was published. It is said to have been drawn up by Bishop Moreton, and stated the king's pleasure to be that

"for his good people's recreation, after the end of divine service they should not be disturbed, letted, or discouraged from any lawful recreations, such as dancing, either of men or of women, archery for men, leaping, vaulting, or any such harmless recreations; nor from having of May games, Whitsun ales or morris dances, and setting up of may-poles or other sports therewith used, so as the same be had in due and convenient time, without impediment or let in divine service, and that women should have leave to carry rushes to the church for the decoring of it."[196]

We read, too, of a Cistercian monk being convented before the high commission, and condemned for blasphemy, and so left to the secular power.[197]

36. A.D. 1619. Andrewes, Howson, and Overall visited their respective dioceses;[198] and the primate, on October 9th, required the bishops to enforce the use, before the sermon, of

[195] Collier, VII. pp. 397—406, 411; Hallam, C. H. I. p. 350; Neal, I. p. 470.

[196] Unlawful games (as bear and bull baiting), interludes, and, for the meaner sort, bowling. In Roman times churches and churchyards were used for all kinds of purposes,—secular and profane. The declaration is said to have caused much grief and distraction in many honest men's hearts, as likely to be generally enforced and not confined to Lancashire. Charles I., in 1633, after reciting his father's declaration and remarking on the number of recusants in Lancashire, re-published it, Laud sending the king's letter round to the bishops. See Fuller, X. pp. 74—76; XI. pp. 144—149; Neal, I. pp. 472, 558—563; Wilk. Conc. IV. p. 483; Card. D. A. II. p. 188; Cant. Doom. pp. 128—153, where Laud is said to have been the prime mover in the re-publication and enforcement in 1633; Soc. Hist. pp. 41—45, 240, where the performance of the *Midsummer Night's Dream*, on Sunday, September 27th, 1631, and after an ordination, is mentioned, and Hacket's Life of Williams, pt. II. p. 37. But in the opinion of some, even now, the holy communion is highly dramatic in character. Church Rev. Feb. 11th, 1881, p. 68.

[197] He appears to have been sentenced to banishment, but to have died in Newgate. St. Pap. Dom. James I. XCVI. Nos. 23, 50, 58, 68; Birch, II. pp. 67, 71, 206.

[198] Rit. Com. Rep. II. pp. 475, 476, 483;. Andrewes' Minor Works, p. 113. Their articles are fatal to the *maximum* and *minimum* theory.

the prayer prescribed in Can. 55.[199] Orders, too, were issued to the dean of the chapel royal to permit no one to preach who would not subscribe to the king's supremacy.[200]

37. A.D. 1620. Dr. Harsnet, the bishop of Norwich, visited his diocese,[201] and we meet with articles exhibited, apparently by a parishioner, against his vicar for "unseemly conduct in church."[202]

38. A.D. 1621. Parliament and convocation met in January. In convocation nothing of importance was done.

"Should we now look," says Fuller, "into the convocation, we should find them on Wednesdays and Fridays devoutly at the litany, otherwise having little employment, as empowered by no commission to alter anything. So that, sitting amongst the tombs in Westminster church, they were, as once one of their prolocutors said, *Viva cadavera inter mortuos*, as having no motion or activity allowed them." A schedule of clergy who had neglected the canons of 1604 was presented in the lower house of the southern province, and a subsidy was granted in that of the northern.[203]

[199] Wilk. Conc. IV. p. 460; Card. D. A. II. p. 133; St. Pap. Dom. James I. CX. No. 123.

[200] St. Pap. Dom. James I. CX. No. 89.

[201] The bishop, like all the rest, enforces the order of the canons, and yet asks thrice over whether the prayers were said and the sacraments administered as prescribed in the book of common prayer without omission, addition, alteration, or innovation of any part, parcel, matter, rite, ceremony, and form. Rit. Com. Rep. II. p. 484, Tit. ii. § 1, iii. §§ 2, 3.

[202] The offence was the use of improper language. The high commission appear to have committed Clough at once, for we find him in 1622, petitioning the council to hear his case. St. Pap. Dom. James I. CXIII. No. 13, CXVII. No. 48, CXX. No. 57.

[203] Fuller, X. p. 90. Wednesdays and Fridays seem to have been the usual days of meeting, for, on March 1st, we find the primate reminding the House of Lords "that heretofore, anciently, and always, until a very late time, this high court did ever forbear to sit upon Wednesdays and Fridays, for the lords, the bishops, on those days, did and were accustomed to meet and be busied in convocation," and he moved that the house should not meet or sit in council on those days, and it was agreed to, subject to the consent of the house being given on motion by the lord chancellor. Journ. H. of L. III. p. 32. Mr. Joyce, commenting on Fuller, leaves it to the reader to say whether "the members of a provincial synod, even if unemployed, are not far more seemly occupants than its present monuments"; but the clergy representatives, who met in the two con-

In parliament the king, in a brief Latin speech, declared the three causes of its meeting, pointing out that it was an assembly

composed of a head and a body, the one, being the king, and the other, the three estates, comprising the lay peers, the church, the clergy (represented by the bishops), and the commons (representing the people), all called together by the king to advise him in making such laws as were best for the commonweal. The first cause being that of religion, and the suppression and correction of errors both in the state and the church; the second, the hearing complaints and the remedying abuses; the third, the granting of subsidies. In the commons a committee for religion was appointed, and the danger from the number of recusants gave occasion to a motion that the vaults and cellars of the parliament house should be searched every week.[204] The question of freedom of speech was discussed (as a "free choice so free voice"), and that upon "religion and the church (the principal matters of the parliament)," as well as the redress of grievances and the granting a supply.[205] The clerk was ordered to look up all the old bills of the last parliament;[206] the case of a clergyman who had been returned as member for Morpeth was considered, and the election held void.[207] A committee of the whole house was appointed "to hear and consider of all complaints which shall be made unto them of any court of justice, either ecclesiastical or temporal."[208] Some difficulty and delay occurred about the

vocations, were not members of any "provincial synod" in the true meaning of the words, as will hereafter be shewn. Wilk. Conc. IV. p. 461. The Canterbury convocation was dissolved on February 9th, and that of York on February 27th, 1622. Any business done at York after February 9th would have been *ultra vires*.

[204] Journ. H. of L. III. p. 8; Parl. Hist. I. p. 1175, where a list of the members of parliament is given; Rushworth, p. 21. One member remarked, "they eat their God, would eat us"; the hostility, however, seems to have been chiefly against the Jesuits and seminaries who were before concealed, but were now ready for mischief both to the house and to the state. Journ. H. of C. pp. 508—510, 519, 522; Parl. Hist. I. p. 1183.

[205] Journ. H. of C. pp. 508, 509, 522.

[206] Id. p. 511.

[207] Id. pp. 511—513, 543, 668. The new member was rejected because he had, or might have, a voice in convocation; Nowell's case was referred to as not having *curam animarum*, but rejected as being of the convocation house. Ante, p. 140.

[208] Journ. H. of C. p. 514.

receiving the communion. Upon a king's letter the house resolved to receive at St. Margaret's Church, Dr. Usher to preach; but on the dean sending a message that there could be no preaching there without the king's licence, and that they were the king's chaplains, the receiving was put off "till Sunday come seven*night*," and an application to be made to the king for Dr. Usher to preach. One member objected to the place, as "not so fitted now for receiving the communion, in respect of these crosses."[209] A bill for the "punishment of divers abuses on the sabbath" was sent up to and passed the lords.[210] A bill for the limitation of suits in the temporal and ecclesiastical courts was ordered to be drawn,[211] and a motion that all the lawyers in the house should meet and consider how the laws concerning the clergy might be reduced into one or more bills was agreed to.[212] Bills touching benefices appropriate, against pluralities and non-residency, against scandalous ministers, and concerning fees taken in ecclesiastical courts, were also brought in.[213] Objection was taken to clergymen being justices of the peace;[214] and Coke in a speech affirmed that the laws against Jesuits were both just and merciful, that the pope had sent to Queen Elizabeth "promising 1. *se rescissurum* the divorce of her mother, 2. *confirma-*

[209] Journ. H. of C. pp. 508, 515, 516; Birch, II. pp. 220, 227; St. Pap. Dom. James I. CXIX. No. 79; ante, n. 178, 179.

[210] Journ. H. of C. pp. 515, 521, 523, 524, 533, 538, 628, 630; Journ. H. of L. pp. 38, 44, 138, 139. The bill caused much friction and debate in the commons, one member, a Mr. Sheppard, being turned out of the house by reason of his speech being a little too free. Parl. Hist. I. pp. 1190, 1191; Birch, II. p. 229.

[211] Journ. H. of C. pp. 519, 578. The cases of a marriage dissolved after eighteen years' cohabitation, *causa praecontractus*, and of a suit for a legacy which had been paid, but the witnesses were dead, were given by Coke. One member spoke feelingly of a chancery suit that had lasted him twenty-four years, where, in Edward III.'s time, there were not 400 causes yearly, but now 35,000. Some ten bills were drafted, and Coke took occasion to magnify the Common Law Jurisdiction, pointing out that the king's bench was above the Latin chancery, writs of error being granted and chancery judgments reversed; the king's bench being the elder brother, *Coram Rege*; chancery, the younger, *Coram Rege in Cancellaria*. "Truth," said Coke, "is the best oratory, and plain English honesty the best policy." Id. pp, 573, 574, 578, 582.

[212] Id. p. 519.

[213] The first, second, and fourth were read once, and the third twice. Journ. H. of C. pp. 582, 592, 643, 595, 640, 655, 626.

[214] Id. pp. 590, 599.

turum the book of common prayer, which he found good and godly, 3. *permissurum* the use of the sacrament in both kinds; but all this with a condition that" he should "be acknowledged supreme head:" that there were no recusants till the 12 Eliz.; that Parry had been set on by the Jesuits and the pope himself to kill the queen, whilst the Spanish faction went about "by Lopuz" to poison her, and Creswel set Squyre on to poison her saddle.[215] Complaint was made of Dr. Field, the bishop of Llandaff,[216] and a petition and remonstrance drawn up for presentation to the king by the commons. To it the king sent, on December 4th, a reply of "sharp praise," upon which the commons framed a second petition and declaration, the king answering it on the 11th, and sending further messages on the 16th and 17th, for which the commons returned their hearty thanks. A formal protestation concerning the privileges of the house was entered on the journals, but at once erased by the king himself in council, who on the 18th adjourned, and, on February 8th ensuing, dissolved, the parliament.[217]

39. Upon the fall of Bacon, the great seal was put into commission until July 10th, when the Bishop of Lincoln was made lord keeper.[218] About this time, too, the Bishop of

[215] Journ. H. of C. pp. 648, 310. See Fleury, XXXVI. pp. 130, 131, 135, 178, 547.

[216] The offence was alleged to have been committed before Dr. Field's appointment to the bishopric, and so it was finally decided, on motion in the lords, that the matter should be referred to the primate, and for Dr. Field to bear his fault as Dr. Field, and not as bishop, and that the primate should admonish him in the convocation house before the bishops and the clergy there. Journ. H. of C. pp. 621, 632; Journ. H. of L. III. pp. 55, 128, 143, 144, 153; Birch, II. pp. 244, 249, 253, 254.

[217] Journ. H. of C. pp. 655, 658, 661, 663, 666; Parl. Hist. I. pp. 1323—1366; Hallam, C. H. I. p. 368; Birch, II. pp. 279—285; Rushworth, I. pp. 40—55. Coke and Sir R. Philips were sent to the Tower, Coke's chambers in London and the Temple being sealed up and his papers seized. Selden, Pym, and Mallery, three other "ill-tempered spirits," were locked up elsewhere, whilst a still more severe punishment was inflicted on four more,—they were sent away as commissioners to Ireland.

[218] Chron. Jur. p. 187; Fuller, X. p. 89; Rushw. p. 36; Hacket, pp. 52—62, 70—78; St. Pap. Dom. James I. CXXIII. Nos. 18, 19. By the 5 Eliz. c. 18, the offices of lord chancellor and lord keeper were declared to be one. Parl. and Counc. p. 215, n. b. The case of Bishop Williams was the last exception to the rule of lay chancellors. He still held his deanery, and a parsonage and prebendal stall *in commendam*. Birch, II. p. 273; St. Pap. Dom. James I. CXXII. No. 75.

Bangor was summoned and examined.[219] On the 28th, the primate, on going into Hampshire to consecrate a chapel for the Lord Zouch, accidentally killed a man, whereupon an order went to the attorney-general to draw up a commission of delegates.[220] On November 18th, Laud was consecrated bishop of St. Davids.[221]

[219] He had fallen out with the king over the matter of the Sabbath, and had to appear before the primate, four other bishops, and the Dean of the Arches; and there was some talk of his degradation. Birch, II. p. 265.

[220] St. Pap. Dom. James I. CXXII. No. 46; Birch, II. pp. 271, 273, 275; Collier, VII. p. 421; Rushw, I. p. 61; Hacket, pp. 65—69; Fuller, X. p. 87; Ellis, IV. p. 103, 3rd ser. The attorney-general was directed to first search the rolls for any commission issued in Grindal's time, but reported none could be found, but that Aubrey and Clark were appointed delegates to perform the archbishop's offices, execute all instruments, etc. On this he was ordered to draw up a commission, delegating all the jurisdiction of the archbishop to certain bishops named by the king. St. Pap. Dom. James I. CXXII. No. 103. On October 3rd, the lord keeper and five other bishops, with three judges and a civilian, were ordered to examine into the case, their opinion being given on November 10th following. Collier, VII. pp. 421—423. Upon this the king, by another commission dated December 19th, said to be "ex auctoritate nostra regia suprema et ecclesiastica qua fungimur," empowers six bishops to cure and dispense with any irregularity by penalty, and to restore the primate to the full exercise of his ecclesiastical functions. Wilk. Conc. IV. p. 462; Collier, VII. p. 424; IX. p. 376; Lingard, VII. p. 115; Hacket, pp. 65—70; Cyp. Ang. p. 80; St. Pap. Dom. James I. CXXIII. Nos. 5, 18; Card. D. A. II. p. 135.

[221] Laud owed this preferment to the lord keeper, as the king first refused, it is said, to appoint him, remarking, "You have pleaded the man a good protestant, and I believe it; neither did that stick in my breast when I stopped his promotion. But was there not a certain lady that forsook her husband and married a lord that was her paramour? Who knit the knot? Shall I make a man a prelate, one of the angels of my church, who hath a flagrant crime upon him?" On Williams' further pleading, the king added, "The plain truth is, I keep Laud back from all place of rule and authority because I find he hath a restless spirit, and cannot see when matters are well, but loves to toss and change, and to bring things to a pitch of reformation floating in his own brain, which may endanger the stedfastness of that which is in good pass," etc. Finally, on the lord keeper pressing his petition, the king said, "Then take him to you, but on my soul you will repent it." Lingard throws doubts upon Bishop Hacket's statement. It could hardly, however, have been an invention, and is probably more correct than the charges made of an intention to bring in popery, because of the introduction and use of some unlawful practices. The truth probably is, and was, not that Laud and others "were friends to the church of Rome, but that they were enemies to the puritans." Hacket, p. 64; Lingard, VII. p. 115; Panzani, p. 132, note. See Laud's Diary, March 3, 1627, Hist. p. 39; Rushw. I. p. 440.

40. A.D. 1622. On January 19th, the king wrote to the primate and the lord keeper, requiring a clergy subsidy.[222] A Mr. Knight having in a sermon at Oxford, in April, been so hardy as to hold that subjects, when harassed on the score of religion by their prince, might take up arms in self-defence, Laud, upon the information of the vice-chancellor, brought the matter before the council, when the preacher was committed, and the book (by Paræus) ordered to be burnt.[223] In July, Laud visited his diocese.[224] On August 12th, the primate forwarded a king's letter, containing certain directions concerning preachers,[225] ordering

[222] The king made private appeals, and sent circular letters to the judges, sheriffs, mayors, and bailiffs of the kingdom. Wilk. Conc. IV. p. 464; Card. D. A. II. p. 141; Rushw. I. pp. 60, 61; Birch, II. pp. 285, 286, 288, 289, 291, 223.

[223] Hacket, p. 88; Card. D. A. II. p. 146, note; Birch, II. pp. 308, 317; Collier, VII. pp. 434—438; St. Pap. Dom. James I. CXXX. No. 106. The matter was referred, by the king, to the primate and twelve bishops, who, on May 22nd, reported their opinion on the doctrines to the privy council.

[224] His visitation articles for parish churches, in 1622 and 1625, require a convenient and decent communion table to be "placed in convenient sort within the chancel," and that the "minister duly observe the orders, rites, and ceremonies prescribed in the book of common prayer . . . in such manner and form, as in the said book of common prayer he is enjoined *without any omission or addition*," and to "wear a surplice according to the canons." Laud plainly knew nothing of any *maximum* or *minimum*. In his articles for London, in 1628, he again insists on the observance of *all* the rites and ceremonies prescribed in the book of common prayer, but names the surplice and hood only, whilst he enquires whether the table is placed at communion time "in such convenient sort within the chancel or church, as that the minister may be best heard in his prayer and administration, and that the greater number may communicate." He also asks "whether there be any in your parish who are known or suspected to conceal or keep hid in their houses any mass books, portesses, breviaries, or other books of popery or superstition; or any chalices, copes, vestments, albs, or other ornaments of superstition uncancelled or undefaced, which is to be conjectured they keep for a day, as they call it." This enquiry was repeated in 1631, and again in his visitation articles of 1637, for the peculiars of Canterbury. If copes, vestments, and albs were then lawfully in use, Laud's queries are absurd. Laud, of all men, would not be likely to order the destruction of any such, if really lawful, ornaments, nor be much disposed for a mere *minimum* of observance. He appears, in his articles, to have enforced what he took to be law. Rit. Com. Rep. II. pp. 488, 547; Works, V. pp. 378, 381, 389, 399, 405, 414, 439, 447; ante, p. 331, n. 54.

[225] The king also wrote to the Archbishop of York. Card. D. A. II. pp. 146

1. That no preacher under the degree of a bishop should set out in his discourse anything not "comprehended and warranted in essence, substance, effect, or natural inference within some one of the articles of religion set forth in 1562, or in some of the homilies."

2. No sermon or collation to be in the afternoon, but upon some part of the catechism, or text out of the creed, ten commandments or the Lord's Prayer (funeral sermons excepted), and the catechism to be expounded and the children examined in it.

3. Predestination, election, reprobation, and other the doctrines set out, not to be preached in any popular auditory.

4. No one to set out or limit by way of positive doctrine the power, prerogative, jurisdiction, authority, or duty of princes, or meddle with such matters of state other than as they are instructed in the homily of obedience and the rest of the homilies and articles set forth by public authority.

5. No preacher to rail at either papists or puritans.

6. Bishops to be wary and choice in licensing preachers; grants to chancellors, etc. to pass licences to be revoked; and lecturers to be licensed by the Court of Faculties, upon the recommendation of the bishop and the fiat of the primate, confirmed under the great seal.

41. A.D. 1623. Upon the prince's visit to Spain, Maw and Wren, his chaplains, received, on March 10th, instructions from the king both as to their conduct and as to "the outward forms of worship";[226] but the public alarm and discontent at the supposed intended toleration of Romanism found vent

—151; Rushw. I. p. 64; Hacket, pp. 89, 90; Neal, I. p. 481; Fuller, X. pp. 108, 109; Wilk. Conc. IV. pp. 465, 466; Cyp. Ang. p. 93. On September 4th, another letter from Abbot explains the directions (Wilk. Conc. IV. p. 466; Card. D. A. II. p. 151); but Collier gives the date as September 3rd, and makes the lord keeper the writer; but the primate sent the king's letter and orders on that date to the Bishop of Lincoln, with directions to attend to it. Collier, VII. p. 431; St. Pap. Dom. James I. CXXXII. Nos. 85, 86, 93.

[226] They were to avoid meeting the host in the streets, but if met, they were to do "as they did there," so as to give no offence. They were to fit up the room "appointed for prayer" with "an altar, fonts, palls, linen coverings, demi-carpet, four surplices, candlesticks, tapers, chalices, patens, a fine towel for the prince, other towels for the household, a traverse of waters for the communion, a basin and flagons, two copes." The mixed chalice and smooth wafers were also ordered. Cyp. Ang. p. 100; Ellis, III. p. 132 (1st ser.); Collier, VII. p. 440.

and expression in a formal protest by the primate to the king, which ran:

"By your act you labour to set up the most damnable and heretical doctrine of the Church of Rome, the whore of Babylon; how hateful it will be to God and grievous to your good subjects, the professors of the gospel, that your majesty, who hath often disputed and learnedly written against those heresies, should now shew yourself a patron of those wicked doctrines which your pen hath told the world, and your conscience tells yourself, are superstitious, idolatrous, and contemptible."[227]

On November 5th, the floor of a house in Blackfriars, *in*

[227] Rushw. I. p. 85; Fuller, X. p. 106. Some put the letter down to the Archbishop of York, but Abbot, who "was at the head of the doctrinal puritans," does not seem to have disavowed it. "The Spanish match" had been projected so long before as 1616, but now James wrote to the king of Spain: "I have sent you my son, a prince sworn of Scotland; you may do with his person what you please; the like with myself and my kingdom,—they are all at your service. So God keep you." The pope gave a dispensation, but clogged with conditions, and James, who was willing to admit, "if the pope would quit his godhead and usurping over kings, to acknowledge him for the chief bishop to which all appeals of churchmen ought to lie *in dernier resort*," swore formally to certain articles and took other and private oaths. Parliament, however, finally interfered, and the match was broken off. Collier, VII. pp. 445, 446; Cyp. Ang. p. 106; Birch, I. p. 447; Halliwell, II. pp. 162, 187; Journ. H. of C. p. 720. For, and upon, the articles sworn to, the oaths taken, and the correspondence between the king, the prince, and the pope, see Rushw. I. pp. 86—100; Halliwell, II. pp. 159, 196, 206, 216, 217; Dodd, III. p. 2. See also Neal, I. pp. 483—487; Tierney, IV. pp. 147—152; V. pp. 115—153. There was a general jail delivery of all Jesuits, priests, and other papists. Birch, II. p. 326; Rushw. I. p. 101; Fuller, X. p. 101. The prince swore that so often as the Infanta required him, he "would give ear to divines or others whom her highness shall be pleased to employ in matter of the Roman Catholic's religion." Rushw. I. p. 90. A bull, "wherein the lowly *servus servorum* soon drops the menial character and rises to the demeanour and lordly energy of an all-powerful monarch," appointed Dr. Bishop, bishop of Chalcedon, who privately went to London to exercise episcopal jurisdiction. Panzani, p. 100; Rushw. I. pp. 91, 155; Dodd, II. pp. 465—472; III. pp. 4—17; Collier, VII. p. 451; Lingard, VII. pp. 122—128. The appointment was noticed in the House of Commons, and complaint was made of "a great insolency committed by a popish recusant, stiling himself the Bishop of Chalcedon," who "came not privately but in public, confirmed above 400 in a few houses, changed the name of baptism," and "had six chaplains, his mitre and robes." It was said that all "seminary priests" were traitors, and that the land was full of them. Journ. H. of C. pp. 674, 718.

which mass was being said, gave way, and ninety-five of those present were killed.[228]

42. A.D. 1624. In February parliament and convocation met.

In that of Canterbury, a complaint was made by the College of Physicians against ministers practising physic, and the archbishop forthwith inhibited them, save in their own parishes and for charity. He afterwards "complained of the irregular habits of clerks, exhorting amendment." A proposal for an examination of the various MSS. of the fathers, councils, and ecclesiastical writers extant in the university and other libraries was made, and unanimously acceded to, a subsidy was granted, and finally the assembly was dissolved by the death of the king.[229]

In the commons bills were brought in for the better observance of the sabbath,[230] against profane swearing,[231] scandalous ministers,[232] and simony.[233] It was also ordered that "all complaints, in writing, concerning corruption of religion or learning" were to be considered first of all in committee.[234] A Dr. Harris was brought to the bar for "venting his spleen in the pulpit" about the election of Bletchingley. He was ordered to come as a delinquent and confess his fault kneeling, and to make public confession in his church, and so was dismissed with the advice to bear no ill-will to

[228] "The dead were buried in two pits behind the houses, and black crosses were erected, which were taken down by order of council." St. Pap. Dom. James I. CLIV. No. 17; Birch, II. pp. 428—431; Fuller, x. p. 102; Cyp. Ang. p. 112.

[229] Wilk. Conc. IV. pp. 467—469; Card. Syn. II. p. 592. See Wake, p. 411 and Hacket, p. 173 on the form of writ. Two cases of privilege occurred.

[230] See, on the meeting of parliament, Birch, II. pp. 443, 449, 451—457; Hacket, pp. 173—200; Rushworth, I. pp. 115—150; Stat. Pap. Dom. James I. CLXIII. Nos. 32, 33; Journ. H. of C. pp. 671, 673, 678, 730; H. of L. pp. 248, 249, 252. It passed the commons and was read thrice in the lords.

[231] Journ. H. of C. pp. 672, 673, 678; H. of L. pp. 248, 249, 257. It passed both houses.

[232] Journ. H. of C. pp. 699, 781, 784. It appears to have been committed.

[233] Journ. H. of C. p. 704; H. of L. p. 393. It passed the commons and was read once in the lords.

[234] Journ. H. of C. pp. 695, 780.

his neighbours, and to forbear to question them upon tithes.[235] A complaint was made of the Bishop of Norwich, and was referred to the committee of grievances, whose report was sent up to the lords. There were six charges. 1. The inhibition of preaching on the sabbath day in the morning. 2. The setting up of crucifixes and images; a dove on the font, fluttering over the water, which the bishop blessed (the non-observance of the king's ecclesiastical laws being matter for the consideration of the house). 3. The punishing those who prayed not towards the east. 4. The punishing a minister for catechising his family and singing of psalms. 5. Various extortions. 6. The non-registry of institutions.[236] Sundry abuses, oppressions, and extortions of the ecclesiastical court at Northampton were also reported.[237] On May 29th, parliament was prorogued, the king in his speech reminding the commons that as "touching their complaint against Dr. Anyan, their oath of supremacy forbids them to meddle with church matters."[238]

43. In November, the "articles concerning religion" were

[235] Journ. H. of C. pp. 695, 781. He also appears to have held that his curate should have a voice in the election, the clergy and laity being one body. The house, however, a month afterwards, passed a resolution to the effect that neither scholars nor fellows who had no other freehold, nor parsons or vicars having glebes, ought to vote for knights of the shire, then or thereafter. Journ. pp. 714, 798.

[236] The matter was dealt with in a conference of both houses, and the bishop (Dr. Harsnet) made an elaborate defence in the lords, denying the charges generally and severally. He pointed out how he abhorred both the usurpations and pretensions of the pope, "his religion dyed with blood," his sham miracles and relics, and the equivocation of priests and Jesuits.. He said he was a true member of the Church of England which came nearest to the primitive church, and was reformed, not upon the lines of Wicklif, Huss, or Luther, but "from the first four hundred years after Christ." He explained the first charge, and denied the second, third, fifth, and sixth, saying he did not know of and never saw the images complained of, and never enjoined, or even heard of, the praying to the east. And so the matter was referred to the high commission. Journ. H. of C. pp. 699, 701, 705, 715, 784, 786, 790, 798; H. of L. pp. 245, 362, 388—390. See St. Pap. Dom. James I. CLXIV. No. 86, CLXV. No. 2.

[237] Journ. H. of C. p. 709. The matter was to stand over to next session.

[238] Journ. H. of L. p. 425; H. of C. I. pp. 692, 707, 713, 777, 791, 796, 810, 864; Parl. Hist. I. p. 1498. Dr. Anyan was president of Corpus Christi, Oxford; and the commons had petitioned for his removal for sundry offences and misdemeanours.

sworn to, and the match with France concluded;[239] and the French ambassador was royally entertained at Cambridge and Westminster in December, with feasting and music.[240] On March 27th of the following year the king died.

[239] "They were not much short of those with Spain." The match was given by Buckingham as the principal reason for the prorogation of parliament. Rushworth, I. p. 152; Tierney, V. pp. 154—160 (where December 12th is given as the date of the ratification of the treaty), and App. pp. cccxlvi.—ccccliii.; Cyp. Ang. p. 123; Hacket, p. 209; Ellis, III. pp. 169—181 (1st ser.); Birch, II. p. 487.

[240] "Three anthems" were "sung by the best of the chapel (Trinity) and that choir, in rich copes and vestments." Birch, II. p. 485. Gaudy copes were worn both by laymen and clerks on festal and state occasions. Hacket mentions the ambassadors' visit to Westminster, where "the quiremen, vested in their rich copes, with their choristers, sung three several answers." Pt. I, p. 210. The gentlemen of the royal chapel also wore them.

CHAPTER VII.

THE REIGNS OF CHARLES I. AND II.

From March 27th, 1625, *to January 1st*, 1666.

1. When King Charles "succeeded to the crown, he was at first thought favourable to the puritans, for his tutor and all his court were of that way;"[1] but the mistake was soon found out, for the king's death was followed by the arrival of the papal rescript granting the dispensation for the French marriage, and Charles at once ratified the treaty he had signed as prince.[2] Laud, too, on April 5th, gave in a schedule of names of clergy, distinguishing the orthodox and the puritans.[3]

2. On May 1st, the king directed the lord keeper to order all proceedings against his Roman catholic subjects to be

[1] Burnet, Hist. of his own Times, p. 10; Hacket, pt. 1. pp. 204—206; Fuller, XI. p. 119.

[2] Tierney, V. pp. 159, cccxlix.; Lingard, VII. p. 142. For the *arrit secret*, and the pope's letter to the princess Henrietta, see Dodd, III. pp. 167, 168. "Decrevimus," wrote Urban, "tandem matrimonium illud contrahi posse," in the hope that it would be of use to the church (quod igitur ecclesiae faustum et Angliae salutare sit, proficisere annuente pontifice, et comitantibus angelis). The pope set before the princess the example of Esther, "electi populi liberatrix," of Clotilda, "quae triumphantem sponsum Christo suscepit in Gallia," and of Adelburga, "cujus in Britanniam nuptiae attulerunt religionem." She was exhorted "cum religionem Romanam in thalami societatem et regni consortium introduces, ne patere eam illic squalore carceris tabescere et suppliciorum formidine deterreri."

On February 4th, Richard Smith had been appointed bishop of Chalcedon in succession to Bishop, who had died on April 16th; whilst the cognisance and decision of all causes in the "second instance" and of all appeals was reserved to the nuncio in France. Smith, however, was soon involved in a squabble with the regulars, and withdrew to France. Panzani, pp. 108—111; St. Pap. Dom. Chas. I. 1. 86; see Journ. H. of C. VI. pp. 282, 303; Fuller, XI. p. 132; Flanagan, II. pp. 309, 310.

[3] Rushw. I. p. 167; Laud, Hist. p. 16; Neal, I. p. 499. The letters O and P were placed opposite the names.

stayed;[4] and on the 8th, the marriage ceremony was gone through by proxy on a platform erected *outside* Notre Dame.[5] On June 17th, the queen arrived, accompanied by the Bishop of Montpellier as governor of her chapel, by the principal of the Oratorians as confessor, fifteen priests and fourteen Theatines;[6] and the next day the king opened parliament.[7]

[4] Hacket, pt. II. p. 6; St. Pap. Dom. Chas. I. II. 4.

[5] This was in accordance with instructions from Rome. Tierney, V. p. 160; Lingard, VII. p. 142; see Rushw. I. p. 169; Ellis, III. pp. 190—194 (1st ser.).

[6] The charges of the queen's chapel and oratory were £2000 a year. The queen's "first mass" was "mumbled over to her majesty at eleven of the clock, what time she came out of her bedchamber in her petticoat." By the king's orders no English man or woman was to be present. Before many months had passed, Charles "had cause enough to put away the monsieurs" either for attempting "to steal away" his wife or for "making plots with" his own subjects. The queen's confessor would not allow her to read Amadis de Gaul or Barclay's Argenis, but only St. Katherine's life or St. Bridget's prophecies; whilst the pope claimed to institute and distribute the ecclesiastical persons in her household. The "friars so frequented the queen's private closet" that the king was much offended, and the constant buzzing of these blow-flies about the queen's person was put an end to by the Lord Conway, who "called forth the French bishop and others of the clergy into St. James's Park, and told them it was the king's pleasure that they should go." The women, however, "howled and lamented as if they had been going to execution," and "the queen broke the glass windows with her fist," but it was all in vain, for the yeomen of the guard thrust them and all their countryfolk out of the queen's lodgings, and locked the doors after them. On August 6th, 1626, Charles wrote to Buckingham, "I command you (to) send all the French away to-morrow out of the town, if you can by fair means (but stick not long in disputing), otherwise force them away, driving them away like so many wild beasts, until you have shipped them, and so the devil go with them!" A contemporary writer, who gives an account of their merits, says, these "knaves would, by way of confession, interrogate her majesty . . . . and no longer agone than upon St. James's day last those hypocritical dogs made the poor queen to walk afoot (some add barefoot) to the gallows at Tyburn . . . . where so many martyrs had shed their blood in defence of the catholic cause." Lingard pooh-poohs the walk to Tyburn, but the king (who must have known) said to Carleton, "They made her go to Tyburn in devotion to pray." See St. Pap. Dom. Chas. I. IV. 91, VII. 85, XXXIII. 55, 99, XXXVIII. 91; Ellis, III. pp. 201, 202, 210, 211, 238—248 (1st ser.), VI. pp. 260, 271 (2nd ser.); Halliwell, II. pp. 261—265, 266 270; Collier, VIII. p. 25; Lingard, VII. pp. 157—160. The modern representatives of "the monsieurs"—whose hard lot it is to dwell in, what an eminent patriot (blind to the writing on the wall) gracefully and gratefully terms, the "sentina gentium"—still venerate the memory of "the martyrs." Conc. West. Col. 1028, Coll. Lac.; Manning, Serm. p. 140 (Duffy, 1863).

[7] Parliament and convocation had been summoned for May 17th and 18th, but

3. In the commons

an act for the "holy keeping" of the sabbath was read, and passed both houses,[8] and bills against simony and for the quiet of ecclesiastical persons were also brought in.[9] A conference with the lords touching a petition to the king "for the maintenance of true religion and the abolishing of popery and superstition" also took place; and a petition to the king, framed by the commons, was generally agreed to by the lords, subject to certain alterations to which the commons agreed.[10] The result of this petition not being satisfactory, another conference took place, by desire of the commons, and a second petition to the king was agreed upon, presented, and answered.[11] Upon the motion of Mr. Pym, Montague's books were brought before the house, and a committee appointed, who reported that there were many things in the books "contrary to the articles established by parliament," and that the whole frame of the second book

was prorogued from time to time, and finally adjourned, on account of the plague, to Oxford, where both were dissolved on August 12th and 13th respectively. No business was done in convocation, save perhaps the grant of a subsidy. On the roll of remembrances being read in the lords on June 22nd, the usual clause "that bishops are only lords of parliament but not peers" was referred to the committee of privileges. Journ. H. of L. III. p. 439.

[8] 1 Car. I. c. 1. It passed the lords "without any amendment." Journ. H. of C. III. pp. 799, 800; H. of L. III. p. 451; Steph. E. S. p. 537.

[9] The bill for the quiet of ecclesiastical persons was read twice. Journ. H. of C. III. pp. 809, 810; H. of L. III. p. 451.

[10] Journ. H. of L. III. pp. 451, 453, 454, 456, 457, 458, 461, 465. The petition was presented to the king on July 8th at Hampton Court, and on the 11th his majesty returned a more particular answer, to wit, "an assurance of his majesty's real performance of every part of that petition."

[11] It consisted of sixteen articles, and dealt with the encouragement given to, and the need there was of the suppression of, recusant papists. The case of Mary Estmonds (in whose house "divers copes, altars, chalices, and other stuff pertaining to the exercise of the popish religion" had been seized, and who, on the oath of allegiance being tendered, had refused to take it and fled, but had obtained a letter from the principal secretary of state, Lord Conway, a Romanist) was mentioned; the "hearing of masses or other superstitious service" in the chapels of foreign ambassadors was also complained of; but to all the king gave a gracious and satisfactory reply. Parl. Hist. II. pp. 18—26; Rushw. I. pp. 180—186; Journ. H. of C. I. p. 812; H. of L. III. pp. 476—481, 485, 487; St. Pap. Dom. Chas. I. IV. 28, V. 25, 28. The search in Mary Estmond's house was for arms, but "various copes, crucifixes, relics, and popish books" were also found and seized. St. Pap. Dom. Chas. I. IV. 152.

was "a great encouragement of popery." A conference with the lords was resolved upon, and Montague, who was said by the solicitor general to be in contempt (for that the commons had "cognisance" of "matters of religion") was called to the bar, and there kneeling the speaker pronounced his judgment, the punishment being respited till the next meeting. The king, however, on July 8th, claimed Montague as "his servant, his chaplain in ordinary," and said "he had taken the cause into his own hand" and desired his release, and he would take care "to give the house satisfaction." He had been, however, released on bail, but was again sent for, for his contempt to the house, Coke remarking, "we will not meddle ourselves alone with adjudging his tenets, yet we are to inform the lords where the bishops are, and they are to judge it," and wished that no man could put out a book of divinity "not allowed by the convocation." Finally, on August 3rd, the house decided not to comply with the king's request, and the serjeant was ordered, at his peril, to bring Mr. Montague to the house with all convenient speed, and "he to stand committed" until "discharged by the house."[12]

[12] In the next parliament, Pym reported: 1. That Montague had disturbed the church, contrary to the doctrine thereof, published in the thirty-nine articles, 1562, and contrary to the book of homilies, both confirmed by parliament. 2. That the books were seditious, setting the king against the people and the people against one another. 3. That the whole scope of the book was to draw people to popery and reconcile them to Rome. 4. That he contradicted the doctrine of the Church of England on six points. The committee were of opinion that he was guilty on all the heads of the charge, and that, as a public offender against the peace of the church, he should, by the house, be presented to the Lords, there to receive the punishment due to his demerits. On July 8th, 1625, the king had promised that Montague's books should be referred to convocation, and no more printed until perused; and on June 14th, 1626, he forbad, by a proclamation, anyone to stir or move any new opinions as well as any innovations either in the doctrine or discipline of the church, and he directed all ordinaries and judges to see that all offenders be at once punished.

Upon the facts, see Journ. H. of C. I. pp. 802, 805, 806, 807, 809—811, 812, 845, 850, 851, 869; St. Pap. Dom. Chas. I. IV. 18, 19, 20, 29, XXIX. 79; Rymer, XVIII. p. 720; Collier, VIII. pp. 2, 9—16; Parl. Hist. I. pp. 6, 11; Rushw. I. pp. 209—212; Fuller, XI. p. 119; Cant. Doom. p. 161; Neal, I. p. 503, and Lingard, VII. pp. 143—145, 149, who says that Montague "had been guilty of the heinous crimes of acknowledging the church of Rome to be a true church, and of maintaining that the articles in dispute between her and the Church of England were of minor importance." But see post, n. 79; St. Pap. Dom. Chas. I. CXXXII. 25, 26; Andrewes' Min. Works, p. XCV; Neal, I. pp. 504, 506.

But the king settled the matter by abruptly dissolving on August 12th.[13]

4. The controversy about Montague and his committal was the occasion of Laud, with two other bishops, writing a letter to the Duke of Buckingham on his behalf. In it they urged that the submission of the clergy, in the time of Henry VIII., was so, that

"if any difference, doctrinal or other, fell in the church, the king and the bishops were to be judges of it in a national synod or convocation, the king first giving leave under his broad seal to handle the points in difference; but the church never submitted to any other judge." [14]

In October, we have a letter from Karr to Secretary Conway about the setting up of the royal arms in churches; and later on, in December, Lord Conway writes to Abbot, directing him to displace the Bishop of Hereford's newly appointed clerical chancellor, and appoint a civilian instead.[15]

On December 15th, the king wrote to the two archbishops to put the laws in force against recusants, Jesuits, seminary priests, and other seducers,[16] and we find an order made at Hampton Court altering the sheriff's oath, upon Coke's refusal to take it as it stood, as being contrary to law.[17]

[13] The commons, or such of the privy council as were members, presented a "declaration" to the king before the dissolution. Rushw. I. p. 191.

[14] The bishops do not refer to or give any authority for the statement. They probably meant the 25 Hen. VIII. c. 19, § 1. But it says nothing of the kind.

[15] St. Pap. Dom. Chas. I. VIII. 69, X. 13, XI. 34. Bishop Godwin had appointed his own son. See post, n. 44.

[16] Wilk. Conc. IV. p. 470; Tierney, V. pp. cccliii.—cccIviii.; Card. D. A. II. p. 155; Cyp. Ang. 134; Collier, VIII. p. 6. The order was sent on to the bishops, and by them to their commissaries or officers. St. Pap. Dom. Chas. I. XII. 75, XIX. 81. See post, n. 37, 80.

[17] The order ran, that the article "you shall do all your pain and diligence to destroy and to make cease all manner of heresies and errors, commonly called Lollardies, within your bailiwick from time to time, to all your power, and assist and be helping to all ordinaries and commissioners of the holy church, and favour and maintain them as oftentimes as you shall be required" should be left out for ever thereafter. Rushw. I. pp. 197, 198; Journ. H. of C. I. p. 825. An attempt was made by the court to exclude Coke from the house by appointing him sheriff. Parl. and Counc. p. 312, note *n*.

5. A.D. 1626. On February 2nd, the king was crowned, a royal commission to Abbot, Laud, and other bishops to settle the order and form of the coronation service, being issued.[18] Some alterations were made in the form, and a prayer inserted which gave great offence to the puritans as intimating that the king was not a mere laic but *mixta persona*.[19]

The king entered at the western door, walking under a canopy held by the barons of the Cinque Ports, where he was met by Laud and by the prebends "in their rich copes," who then gave him the supposed staff of Edward the Confessor, and accompanied him to the platform on which was placed the three chairs of state. The coronation over, the king "was conducted to the communion table, where the lord archbishop, kneeling on the north side, read prayers," the Bishops of Landaff and Norwich reading the epistle, whilst "the Bishops of Durham and St. David's, in rich copes, kneeled with his majesty and received the communion, the bread from the archbishop, the wine from the Bishop of St. David's, his majesty receiving last of all."[20] With the regalia, placed by Laud upon

[18] St. Pap. Dom. Chas. I. I. 65, XVIII. 74, 84, XIX. 109—115, XX. 8—20; Hist. Laud, Diary for January 1, 4, 6, 23, 31; Collier, VIII. p. 6; Cyp. Ang. p. 135; Rushw. I. pp. 199, 200; Ellis, III. p. 212 (1st series). The queen was not crowned, as her bishop claimed "to have the crowning of her," which the primate would not allow, and so she stood at a window looking on.

[19] The prayer was, "Let him obtain favour for the people, like Aaron in the tabernacle, Elisha in the waters, Zacharias in the temple; give him Peter's key of discipline and Paul's doctrine." But the second canon (of 1603) only made claim for such authority as the Jewish kings and Christian emperors of the primitive church had. The prayer was said to have been omitted since Henry VII.'s time, though it is not clear that it was used then or before. See Maskell, Mon. Rit. III. pp. i.—xxii., lxv., 3, 8—48, 63—137, and the ordo "secundum consuetudinem ecclesiæ Westmonasteriensis." Lib. Pontif. (Exeter) p. 137. "Rex unctus," says Lyndwood, "non mere persona laica, sed mixta secunda quosdam." An undated Roman Pontificale of the 15th century says, "nullus debet inungi nisi ex antiqua et approbata consuetudine vel ex privilegio apostolico speciali." The kings of France, England, Jerusalem, and Sicily are then given as examples of the former and the king of Scotland of the latter. See Lyndw. Prov. p. 126; Lib. III. Tit. ii. note *h*. beneficiati, where he also says that the king "non est persona ecclesiastica."

[20] The king had previously offered the bread and wine for the communion. Fuller, XI. pp. 121—124; Collier, VIII. pp. 7—9; Rushw. I. p. 200; Ellis, III. pp. 212—221; Cyp. Ang. pp. 135—139.

the table, was the "old crucifix" which he had found amongst them.[21]

6. On the 6th, parliament met.[22] In the commons, a committee for religion was appointed as usual.[23] Bills against scandalous ministers,[24] for the mitigation of the sentence of the greater excommunication,[25] against adultery,[26] concerning granting administrations, the disposition of unadministered goods, and the receipt of money in commutation of penance,[27] for the keeping the sabbath,[28] concerning citations issuing out of the ecclesiastical courts,[29] against clergymen being justices of the peace,[30] for the discovery of

[21] The use of the crucifix was illegal. It was afterwards charged against Laud that "by his means in Passion week in the years 1636, 1637, etc., a rich large crucifix, embroidered with gold and silver, in a fair piece of arras, was hung up in his majesty's chapel to the great scandal and offence of many." The 3 Jac. I. c. 5, § 26, had ordered that crucifixes of value should be defaced at quarter sessions and then given back to their owners. See Neal, I. p. 505; Rushw. II. p. 278; Cant. Doom. p. 67, and Laud's explanation; Hist. pp. 316, 318. The primate would be responsible and not Laud.

[22] It was dissolved on June 15th. Nothing was done in convocation, but in that of York it was decided, after debate, that only members could be proxies for other and absent members. Wilk. Conc. IV. pp. 469—471; Wake, p. 514; Collier, VIII. pp. 9—15.

[23] Journ. pp. 817, 818, 844, 850, 851. The committee was to "consider of all points concerning religion, and to present their opinions to the house," as well as to "have power to send for any persons to inform them, or for any books or records concerning, and to make a sub-committee."

[24] Journ. I. pp. 818, 819, 825, 838. It was read twice in the lords. Journ. III. pp. 536, 556.

[25] A member, Sir R. Howard, had been excommunicated for not taking the oath *ex officio*, and it was referred to a committee, and the judge summoned to appear and answer, as being a supposed breach of privilege. An act was in the end brought in, read twice, and committed. Journ. I. pp. 820, 821, 834, 839, 851, 852, 854, 857, 858, 869.

[26] This appears to have been read once. Journ. I. pp. 823, 838.

[27] It was read once. Journ. I. p. 824. "The church," in papal times, usually took the lion's share of intestate estates, *in pios usus*, and left the widows and orphans, if any, the well-picked bones. See the constitutions of Boniface, Stratford, and Touche, Johns. Eccl. Const. § 15, 7—9, 4; Lyndw. Prov. p. 171.

[28] Journ. pp. 827, 840. It was read thrice in the lords. Journ. H. of L. III. pp. 567, 569, 575.

[29] Journ. pp. 826, 827, 833, 839. It was sent up to the lords. Journ. p. 567.

[30] Journ. pp. 834, 841. It was read twice in the lords. Journ. H. of L. III. pp. 567, 569, 575.

church papists,[31] for the better allowance to curates by non-residents,[32] against corrupt presentations to benefices,[33] and concerning the hearing of preaching,[34] were brought in. Divers articles were tendered against the Bishop of Bangor, and the matter was referred to the committee for religion,[35] as was also the gilding of, and the images upon, the cross in Cheapside.[36] The marshal of Middlesex is said to have petitioned the house touching the seizing of priest's goods in the Clink.[37]

7. On May 30th, Urban VIII. forbad, by a bull and by a letter to Smith, the taking of the oath of allegiance, on the ground that it deposed the Prince of the Apostles from his throne, and he also wrote to his "beloved children, the catholics of England," encouraging them to resist, and impressing on them the necessity of the rejection of the oath.[38] In

[31] It was read twice. Journ. p. 857. "Hollow church papists are like the roots of nettles, which themselves sting not, but yet they bear all the stinging leaves." Bacon, Works, I. p. 334.

[32] This passed the commons and was read twice in the lords, where a new bill was brought in. Journ. H. of C. p. 857; H. of L. pp. 566, 582.

[33] Journ. p. 819. It was read twice.

[34] Journ. p. 864. It was read twice and committed.

[35] Journ. pp. 845, 850, 851, 853, 856, 862, 863, 871; St. Pap. Dom. Chas. I. XXV. 10, XXX. 8. One of the charges was the keeping twenty-one churches or chapels in his hands and ill-serving them.

[36] Journ. p. 858; St. Pap. Dom. Chas. I. XXVII. 36. It was pulled down on May 2nd, 1643. Laud, Hist. p. 203.

[37] An order had been given on February 17th to seize certain lurking Jesuits and priests and "all their massing stuff." St. Pap. Dom. Chas. I. XXI. 25, XXXI. 86, 87. A warrant to search the prison and seize all popish and superstitious matters there found had been made out by the attorney-general. It resulted in the discovery of four priests there, with several altars, many rich copes, surplices, crosses, crucifixes, chalices, beads, boxes of oil, "and such like trash." The attorney-general at once informed Abbot of it, who, on April 8th, pleaded successfully for two of them and for the restoration of their books. They had, he said, taken the oath of allegiance, and found the prison the safest place from the wrath of the pope, for if he could catch them "they are sure to be burnt and strangled for it." Rushw. I. pp. 240—243; ante, n. 16.

[38] Wilk. Conc. IV. p. 471; Flanagan, II. pp. 311, 312; St. Pap. Dom. Chas. I. XXVII. 35, XCIX. 1, R. The Jesuits in England opposed the taking of the oath. The Jesuit Santarelli's book, *De Potestate summi Pontificis*, had been published by authority at Rome in 1625. It taught that "papa habet potestatem in Reges directivam et coactivam," and so could punish heretical princes by

September this year, a book of instructions was ordered to be sent round to every minister.[39]

8. A.D. 1627. In February, the sermon, which was the cause of the primate's troubles, was preached before the judges at Northampton.[40] It was sent by the king to Abbot, with an order to licence it. This he refused to do, stating his objections. Upon this, Laud and others were called in,[41] and, on July 5th, the primate was directed to retire to Canterbury,[42] and, on Oct. 9th, a commission issued sequestering him from all his ecclesiastical offices and jurisdictions.[43]

On March 4th, the king directed the removal of a diocesan chancellor for not being a professor of the civil law, and gave

excommunication, deposition, and absolving their subjects from the oath of allegiance, "quia papae et Christi est unum tribunal." The book was, however, burnt in France by the executioner. Palatio, IV. col. 551.

[39] The nature of the instructions is not known, but they were to be kept secret by the printers and ministers. They perhaps related to the forced loans. Abbot regarded the proceedings as "unusual." St. Pap. Dom. Chas. I. XXXVI. 81, 85, 88.

[40] The sermon, on Rom. xiii. 7, magnified the power of kings, citing Eccl. viii. 3, 4. The doctrine affirmed was, as Collier remarks, "arbitrary enough in all conscience," and pursued to the end "would make Magna Charta and the other laws for securing property signify but little." But Laud wrote of Magna Charta that it "had an obscure birth from usurpation, and shewed to the world by rebellion," and was in force only *salvo jure Coronae*, which was implied or intended in all the oaths and promises of the sovereign. He added, too, to the declaration solicited from the king that "every free subject had a fundamental propriety in his goods and a fundamental liberty of his person," the words, "but deprivable of them upon just cause and so fiscal." Mainwaring afterwards went further than Sibthorp. Collier, VIII. p. 20; St. Pap. Dom. Chas. I. XCVI. 31, CII. 14; Neal, I. pp. 509—510; post, p. 394, n. 69.

[41] By the king's command, Laud expressed to Montaigne the king's wish that he, with the bishops of Durham, Rochester, and Oxford, should read the sermon, and consider the objections and report. This was done, and the book licensed by Montaigne was published with the title, "Apostolical Obedience." St. Pap. Dom. Chas. I. LXI. 93; Collier, VIII. p. 20.

[42] St. Pap. Dom. Chas. I. LXIV. 66, LXX. 56, 57; Rushw. I. pp. 436—450.

[43] St. Pap. Dom. Chas. I. LXXX. 72; Wilk. Conc. IV. p. 474; Card. D. A. II. pp. 165, 301; Collier, VIII. pp. 21, 25, 40; Fuller, XI. p. 127. See Abbot's account, in Rushworth, of the whole affair, laying the blame on Laud, who was "the only inward counsellor with Buckingham, sitting with him sometimes privately whole hours, and feeding his humour with malice and spite." He

orders for the appointment, in the future, of professors of the civil law to all offices of ecclesiastical jurisdiction.[44]

9. Cosin visited his archdeaconry some time this year. His articles require

the communion table to be placed according to the injunctions,[45] and the minister is, in administering the sacraments, to observe "*all* the orders, rites, and ceremonies prescribed in the book of common prayer, in such manner and form only as is there enjoined, without any omission, or addition, or alteration whatsoever." And "when any sacrament be administered or any other rite or ceremony of the church solemnised," to "use and wear the surplice, without any excuse or pretence whatsoever."[46] At "the second service" he is to leave his former and ordinary seat or pulpit, and go "*unto the north side* of the holy communion table, and, standing there, begin with the Lord's Prayer, etc., *according to the form prescribed*, until the sermon time, and, if there be no sermon, *until the end of the service*."[47] And he is not to "add to the public prayers and service of the church any

repeats Hacket's story, "that the first observable act that he did was the marrying the Earl of D. to the Lady R. when it was notorious that she had another husband who had divers children then living by her." Hist. Coll. I. p. 440. Laud, on the other hand, notes, in 1611, that Abbot was the cause of all his then trouble. The Bishop of Lincoln was suspended on July 24th, 1637, and so, on March 29th, 1640, was the Bishop of Gloucester for refusing to subscribe to the canons, Laud remarking that "he had long been suspected of popery." Hist. Laud, pp. 3, 36, 54, 58; Collier, VIII. p. 14; ante, p. 375, n. 221.

[44] St. Pap. Dom. Chas. I. LVI. 27; ante, n. 15.

[45] Works, II. p. 4, § 3. The article refers to its place out of service time.

[46] Id. p. 9, §§ 13, 14. Cosin plainly knew nothing of any *maximum* or *minimum* of observance, and in 1627 took it that the surplice and hood satisfied both the canons and rubric. By a printer's error, for the date in the draft was correct, the Judicial Committee are made to refer to these articles as issued in 1687. But they without doubt express the state of the law both in 1627 and 1687, for in both those years, and under both the old and the revised rubrics, the minister was to remain at the north side, not end, of the table and perform all things there, standing at the north side, and before the table, so as to order the bread and wine that he might with the more readiness and decency break the bread before, or in the sight of, the people who are waiting at and around the table to receive. The invitation to the people and the prayer of access, etc., were placed after consecration in the first book of Edward VI., but put before consecration in the second book of 1552, and so remain. The reason, meaning and effect of the change are very clear. Brooke, pp. 120, 198; see post, n. 49.

[47] Id. p. 8, § 7.

prayers of his own or other man's framing," nor to substitute of his own head and appoint any other psalms, hymns, or lessons in the place of those which are appointed by law, nor to use at any time any other manner of common prayer, or to administer the sacraments "in any other manner or form than is prescribed."[48] At the communion the minister is to first communicate kneeling, and then to deliver to such only as "*before God's board* do *also* humbly kneel upon their knees."[49]

10. A.D. 1628. The calling a parliament having been decided on at a council, held on January 29th, at Whitehall,[50] warrants were sent for the release of those who were in jail on account of the loan money,[51] and writs were issued for a

[48] Cosin's Works, II. p. 8, § 12.

[49] Id. p. 12, § 30. The Judicial Committee decided in 1868 that the words "all meekly kneeling" applied to the celebrant as well as to other clerks and to the people. Dr. Pusey, in a letter to the *Times*, at once fell foul of the Committee. He remarked, "If this clause, 'all meekly kneeling,' applied at all to the celebrant, it would grammatically involve the direction that he should kneel while administering to others. A direction which occurs after the mention of two acts of a person cannot (if it applies to him at all) be limited to the first of these two acts, to the exclusion of that the mention of which immediately precedes that direction." And assuming this to be correct, he objected that, "if this, as it would, involves an absurdity, then the whole construction is faulty, and it follows that the direction can apply to neither." Now, the word *all* in "all meekly kneeling" was inserted in the revision of 1662, and Cosin, in his notes upon the rubric (as it was *before* the revision), and in answer to the objection that the rubric did not direct the minister to kneel when receiving or delivering the communion, says "kneeling here, for all the puritans' objections hath reference as well to the minister himself as to the people and other ministers." The addition of the word *all* in 1662 put the matter beyond doubt or question. Cosin, Works, V. p. 112; Parker, Introd. p. ccxix.; Brooke, p. 120. The Privy Council were therefore right and the critics wrong. Reception at rails, the minister standing, instead of the reverent receiving and communion at and around the table, all, both minister and people, meekly kneeling, is a serious and wanton defiance and breach of the law of the church and realm, and of very plain church order, besides being fatal to the idea of a communion, in which all receive at and around the table with the minister. At the rails, with the minister standing and the people kneeling, it is no communion at all, and it is not a question about which there can be any doubt as to the law of the church or, save as to kneeling, the ancient and catholic use.

[50] Rushw. I. p. 467; Parl. Hist. II. p. 211.

[51] There were 24 knights, 15 esquires, 4 gentlemen, and 31 citizens in custody; amongst them John Hampden and Sir T. Wentworth. They were "chiefly in the people's eyes to be elected to serve in the ensuing parliament." Rushw. I. p. 473; Neal, I. pp. 509, 512.

parliament to meet on March 17th, the southern convocation being summoned for the 18th.[52]

No business of importance was done in either convocation, save perhaps the grant of five subsidies. Privilege was however claimed and granted in two cases,—the one being the arrest of a servant, and the other, common law proceedings against a member of convocation. The House of Lords ordered the release of the one and stayed the suit against the other "during the privilege of parliament."[53]

11. Before parliament met, a "nest of wasps" was dug out at Clerkenwell, and their papers seized.[54] In the commons

a "grand committee for religion" of the whole house was appointed;[55] an act for the reformation of sundry abuses committed on the Lord's day was brought in and passed.[56] Bills for a better allowance to

[52] The York convocation is said to have been called for February 18th, but it is probably a printer's mistake. Wilk. Conc. IV. p. 473; Fuller, XI. p. 131; Wake, p. 514.

[53] Journ. H. of L. III. pp. 774, 798, 805, 809, 860, 870. For a list of LL.D.s and LL.B.s in convocation from 1586 to 1627, see St. Pap. Dom. Chas. I. LXXXVIII. 16. The king had directed Abbot to send his proxy in parliament to whom he liked, but had appointed the bishops of London and of Bath and Wells to act for him in convocation, and nominated the Dean of Lichfield as prolocutor of the clergy house. St. Pap. Dom. Chas. I. XCIV. 35, XCV. 14. Abbot was not restored to favour till Christmas.

[54] The Jesuits or "missioners" were conspirators, credited, not without cause, both by friends and foes, with a great hand in stirring up the troubles of the time. They opposed the oath of allegiance, but pressed on Buckingham and the king in their fatal course, being also Puritans, Arminians, Independents, and Fifth Monarchy-men as occasion served. Cromwell, however, spoilt their plans. Rushw. I. pp. 474, 514; St. Pap. Dom. Chas. I. XCIX. 1; Foxes and Firebrands, pp. 72—90; Baxter, Key, pp. 368—376; Journ. H. of L. III. p. 704; Neal, I. pp. 514, 516; ante, n. 38.

[55] Journ. H. of C. I. pp. 872, 873, 875, 878, 883. A sub-committee was appointed to meet each Monday. A petition to the king for a fast was also agreed to by both houses, and communion was ordered to be received, on April 6th, at St. Margaret's, the offertory of over £80 being disposed of by the commons. The king appointed April 21st for the fast. Journ. H. of L. III. pp. 693, 697, 698; Rushw. I. p. 498; Parl. Hist. II. p. 230.

[56] It passed as the 3 Car. I. c. 1. Journ. H. of C. I. pp. 877, 894; Journ. H. of L. III. p. 788; Collier, VIII. p. 27; Fuller, IX. p. 131.

preaching curates,[57] concerning appropriations and vicarages,[58] for the mitigation of the sentence of the greater excommunication,[59] for the hearing of the word of God preached,[60] concerning citations issuing out of ecclesiastical courts,[61] for the punishing adultery and immorality,[62] against scandalous ministers,[63] and against clergymen being justices of the peace,[64] were brought in. A petition and articles were also presented against the vicar of Witney for profaneness in catechising and preaching, and he was ordered to attend the committee for religion, as a delinquent, to answer his misdemeanors.[65] Mainwaring's committee was directed to peruse the books of common prayer and send for the printer.[66] A letter and a petition from a minister named Gurnay, concerning images in churches, was read,[67] and Prynn brought up a report from the committee for religion concerning Mr. Montague, who was ordered to attend the committee and there answer the charges against him.[68] Two sermons preached before the king, and another at St. Giles', on May 4th, by a Dr. Mainwaring, were brought before the house and referred to the grand committee for religion, who reported, on May 14th, that their complaint and Mr. Mainwaring's crimes should be transmitted to the lords.[69] On May 31st, Mainwaring, desiring to be heard by the

[57] Journ. H. of C. I. pp. 877, 889, 895, 899. It was read twice and committed. A bill for the better maintenance of ministers was read thrice in the lords and once in the commons. St. Pap. Dom. Chas. I. CVII. 45; Journ. H. of L. III. pp. 697, 701, 769, 771; Journ. H. of C. I. p. 889; Collier, IX. p. 28.

[58] Journ. H. of C. I. pp. 878, 886. It was read twice.

[59] Read twice and committed. Journ. H. of C. I. pp. 878, 882, 884, 886.

[60] It passed the commons and was read once in the lords. Journ. H. of C. I. pp. 878, 885, 887, 899; Journ. H. of L. p. 823.

[61] It passed the commons and was sent up to the lords. Journ. H. of C. I. pp. 880, 899, 904; Journ. H. of L. III. p. 823.

[62] This was read twice. Journ. H. of C. I. pp. 880, 886.

[63] It passed the commons and was sent up to the lords. Journ. H. of C. I. pp. 882, 885, 887, 890, 898, 904; Journ. H. of L. III. p. 823.

[64] This passed the commons and was read once in the lords. Journ. H. of C. I. pp. 884, 886, 888, 891, 899, 904; Journ. H. of L. I. p. 823.

[65] Journ. H. of C. I. pp. 889, 905, 908.

[66] Id. p. 902, 903.

[67] Id. p. 903.

[68] The articles were read and proved, and then presented to the lords. Journ. H. of C. I. pp. 889, 911, 913; ante, n. 40.

[69] Journ. H. of C. I. p. 897; Collier, IX. p. 27; Fuller, IX. p. 129; Neal, I. p. 509; for Pym's report, see St. Pap. Dom. Chas. I. CIII. 88.

house, was ordered to appear on the following Monday.[70] On June 3rd, Mr. Rouse brought in the charge against him,[71] and on the 4th, a message was sent to the lords desiring a conference with them, when certain articles having been framed were presented. On June 9th, the declaration being engrossed and a long speech made by Mr. Pym in support of it, Dr. Mainwaring's excuses and the commons' answers to the same generally and specially having been heard, he was committed to the serjeant-at-arms, Mr. Serjt. Crewe and the attorney-general to charge him at the bar on the morrow, Mr. Pym to give in the names of the witnesses to the sermon of May 4th. On the 11th, he was brought to the bar and, having been charged, he demanded to be tried by the bishops as to "the inferences and logical deductions" in his sermons. For this the lord keeper blamed him for that he divided his judges, the matter belonging to all the lords jointly. He was, however, given a copy of the charge, and leave to go home, with a keeper, to prepare his defence.[72] On the 13th, he appeared at the bar, and begged pardon of both houses, and the next day judgment was pronounced, and the king petitioned to call in the books, by proclamation, to be burnt. On June 21st, Mainwaring read his submission, penned by the lords, on his knees at the bar of both houses, and so the matter ended for the time.[73]

[70] Journ. H. of C. p. 907.

[71] Id. p. 911; Parl. Hist. II. p. 378; Rushw. I. p. 577.

[72] The declaration made three charges: 1. That the king was not bound to keep the laws and customs of the realm, but might of his royal will and pleasure tax his subjects without their consent in parliament, and they were bound in conscience to submit. 2. That the disobedient did offend against the law of God as well as the king's supreme authority. 3. That the authority of parliament was not needful for raising aids and subsidies. Rushw. I. p. 596; Parl. Hist. II. p. 387; Journ. H. of L. III. pp. 838, 843, 845—851; St. Pap. Dom. Chas. I. CVII. 2. The charges made on the third sermon were: 1. That in cases of necessity the king had the right to order as seemed good to him without the consent of his people. 2. That the king might require loans and avenge it on those who denied. 3. That the subject's property in his goods was only ordinary, but the king's extraordinary. Id. p. 848.

[73] The sentence was: 1. That he be imprisoned during the pleasure of the house. 2. That he be fined £1000 to the king. 3. That he make a written apology on his knees at the bar of each house. 4. That he be suspended for three years. 5. That he be disabled to preach at court. 6. That he be for ever disabled to hold any ecclesiastical or secular office. 7. That his book be burnt, and a proclamation issued calling it in. And this was "the judgment of the lords." Journ. H. of L. pp. 853, 855, 859, 860, 862, 869, 870; Rushw. I. p. 605;

On June 11th, the remonstrance, under eight heads, was reported,[74] and on the 26th the king prorogued the parliament.[75]

12. During the recess, the king's declaration, prefixed to a new edition of the thirty-nine articles, was put forth, upon, it is said, Laud's suggestion, for the purpose of silencing the controversy between the Arminians and Calvinists, and to prevent their being wrested out of their obvious and literal sense. They were said to contain

"the true doctrine of the Church of England agreeable to God's word, which we do therefore ratify and confirm, requiring all our loving subjects to continue in the uniform profession thereof and prohibiting the least difference from the said articles. . . And no man hereafter shall either print or preach to draw the article aside anyway, but shall submit to it in the plain and full meaning thereof, and . . shall take it in the literal and grammatical sense."[76]

Collier, IX. pp. 31, 32; Fuller, XI. p. 130; St. Pap. Dom. Chas. I. CVII. 26, CVIII. 9. The proclamation calling in the book was issued on June 24th. On July 6th the king, who had made him one of his chaplains, directed the attorney-general to prepare a pardon, and on the 28th, granted him a dispensation to hold Stanford Rivers with St. Giles-in-the-Fields, then made him dean of Worcester, and finally, in 1635, bishop of St. David's. St. Pap. Dom. Chas. I. CIX. 42, CXI. 18; Rushw. I. pp. 633, 635; Collier, IX. p. 39; Cyp. Ang. p. 170; Neal, I. p. 513.

[74] The fear of alteration and innovation in religion was one of them, Laud and Neal, the bishop of Winchester, being mentioned as being justly suspected to be unsound in their opinions. Journ. H. of C. I. p. 911; Rushw. I. p. 621; Parl. Hist. II. p. 434. To this document Laud, by the king's orders, drafted a reply. The charge against "those two eminent prelates" was spoken of as a great wrong, no proof being produced, and it was said that "should they or any other attempt innovation of religion . . . . we should quickly take other order with them and not stay for your remonstrance." Cyp. Ang. p. 173; Collier, IX. p. 34. But the draft was not used, as the king changed his mind. St. Pap. Dom. Chas. I. CVIII. 66, 67.

[75] The York convocation met, but did not sit, owing to Archbishop Matthews' death. Parliament was prorogued to October 20th, and then to January 20th, 1629.

[76] The declaration also said that the king was supreme governor of the Church of England, and that "if any differences arise about the external policy concerning injunctions, canons, or other constitutions whatsoever thereto belonging, the clergy in their convocation are to order and settle them, having first obtained leave under our broad seal so to do." Laud, like Cosin, appears to have thought that convocation was a provincial synod. Cosin, Works, IV. p. 368; ante, p. 169, § 39. For the declaration, see Wilk. Conc. IV. p. 475; Card. D. A. II. p. 169; Collier, IX. p. 36; Neal, I. p. 513.

13. On July 27th, Smart preached his celebrated sermon, containing an historical relation of the popish ceremonies and practices, "which Mr. John Cosins hath lately brought" into the cathedral church of Durham. They were

the turning the communion table into an altar, and the worshipping it by ducking to it, the going in a cope to the altar to say two or three prayers after the sermon, the wearing a cope to read the epistle and gospel and to sing the Nicene creed, the use of anthems, little better than profane ballads (instead of psalms), organ playing, piping and singing, the crossing of cushions and kissing of clouts, the starting up and squatting down, the nodding of heads and whirling about till their noses stand eastward, setting basons, candlesticks, and crucifixes on the altar, burning wax candles in excessive number, gilding of angels, garnishing of images, the turning the sacrament into a theatrical stage play, the use of the stately, sumptuous, embroidered, mock, and scornful copes, "used a long time at mass and may-games," instead of a decent cope, and the placing the table altarwise, with "the two ends looking north and south," as of purpose altars were set in popery, that the mass priest might stand on the west side with his face toward the east and his back to the people, which was done some eleven years before.[77]

[77] Cosin denied some of the charges and explained others. There appears to have been no ground for the statement as to worshipping the altar. The bowing was not "to the table of the Lord, but to the Lord of the table," and was used whether there was an Eucharist on it or no, for this reverence, said Laud, "is to God as to the Creator, and so divine; but it is only *toward*, not *to* the altar, and so far short." The use of a cope at the reading of the epistle and the gospel was ordered by the Advertisements and the canon following and enforcing them, and Cosin said he never wore anything but a plain white satin cope; that the altar and cherubim were set up before he ever saw the country, and that he never approved of the picture of the Trinity or the image of God the Father as a little old man to be made or placed anywhere; that the two fair candles on the communion-table, with a few small sizes near them, were put for the use of the people all about for singing and reading, the number of lights being regulated by the congregation; and there is no reason to doubt Cosin's personal statements. Bishop Howson, at his primary visitation in September, 1630, gave orders, to the dean and chapter, "to prevent scandal of innovation, that the uniformity of common prayer used before the alterations in the time of the late bishop to be observed"; and he wrote to Laud in March, 1631, "that he had provided for uniformity of service according to the ancient use of the church, before the late alterations which bred all these quarrels." Cosin was certainly not the author of them all. Smart indicted the dean and chapter at the assizes, and they returned the compliment. Eventually

14. By the death of Buckingham, on August 23rd, Laud became supreme, and had the chief direction of affairs both in church and state,[78] and Montague was forthwith promoted to Chichester. The appointment was not allowed to pass unchallenged, two persons taking public exception to it at his confirmation, but without success.[79] On October 10th, we meet with a report of the seizure, by order, of "two altars ready for mass and two suits of massing stuff."[80] During the

he was deprived, fined £500, and imprisoned till 1641. Bishop Howson took Smart's part and articled Cosin, writing to Laud that he pitied Smart, "conceiving that so many innovations in the church service superstitiously urged, but displeasing to other men well affected, drove him into the most intolerable actions." See Smart's Serm. pp. 8, 9, 12, 13, 16, 17, 21—23. Smart's contention as to the place and position of the table at communion was clearly right. "Therefore, he says, our communion-table must stand as it had wont to do, in the midst of the quire, not at the east end, as far as it is possible from the people. Neither must the table be placed along from north to south, as the altar is set, but east to west, as the custom is of all reformed churches, otherwise the minister cannot stand at the north side, there being neither side towards the north." Laud said, "It was never charged against me that I did not remove it at the time of the communion," but he held that it need only be moved "when the number of communicants is great," and as in his chapel the number was not great, the communion was received at the table placed altarwise against the wall. The Judicial Committee decided that the table is not wrongly placed, at communion, along the east wall. Cosin, IV. p. 394; St. Pap. Dom. Chas. I. CXII. 8, CXIII. 19, 65, CXLVII. 15, 35, 42, CLXXII. 15, CLXXIII. 43, 73, CLXXIV. 64, CLXXXVI. 97, 107, CLXXXVII. 16, CC. 28, CCII. 15; Cyp. Ang. p. 276; Laud. Hist. pp. 362, 311; ante, p. 205, n. 56; Ridsdale *v.* Clifton, by Finlason, p. 65.

[78] Rushw. I. p. 637; Collier, VIII. p. 35.

[79] Fuller, XI. p. 132; Collier, VIII. p. 35; Burnet, I. p. 206. Montague had been condemned by parliament, but, on October 7th, the king directed a pardon to be drawn out, though on January 17th, 1629, he issued a proclamation suppressing the "Appello Caesarem," which said it was the first cause of the disputes and differences which troubled the quiet of the church. St. Pap. Dom. Chas. I. CXVIII. 33; CXXXII. 25, 26; Rushw. I. p. 634; Collier, VIII. p. 39; Cant. Doom. p. 161; Neal, I. p. 516. Montague, like Laud, was suspected of popery. But he wrote, "If any papist can prove that the present Roman church is either the catholic church, or a sound member of the catholic church," or can bring but one father for 500 years after Christ who approved of any one point in difference between Rome and the Church of England, "I will subscribe." Gag. pref. and p. 328, ed. 1624.

[80] St. Pap. Dom. Chas. I. CXVIII. 46. Altars and massing suits could scarcely have been legal. On January 29th, 1629, the high commission ordered all Jesuits, seminaries, priests, popish books, and "massing stuff" to be seized. St. Pap. Dom. Chas. I. CXXXIII. 29; ante, p. 389, n. 37.

time of Abbot's sequestration and of the commission superseding him, the "church recovered strength again," and some beneficed persons "who, in themselves were well affected to ancient orders, adventured on removing the communion table from the middle of the church or chancel, and setting it where the altar formerly stood." Amongst them was the Vicar of Grantham. Divers commissaries, officials, surrogates, and other ecclesiastical officers began, too, "to carry a more hard hand on the puritan party."[81] Proclamations against recusants, Jesuits, and for the arrest of Smith, the "bishop of Chalcedon," were put forth,[82] and a motion by the papists in Ireland for a toleration was opposed by the bishops.[83]

15. A.D. 1629. Parliament met on January 20th, the southern convocation on the 21st, and the northern on February 10th, the last sitting but once, on February 26th, when letters were written on behalf of five of its members, It was dissolved on March 22nd, twelve days after parliament.[84]

[81] Complaint was made to the Bishop of Lincoln, who framed "a popular discourse against placing the table altarwise," and digested it in the form of "a letter to the Vicar of Grantham." Cyp. Ang. p. 162; Collier, VIII. p. 89; Hacket, p. 101.

[82] Rushw. I. pp. 633, 634, II. pp. 11—15; Collier, VIII. pp. 39, 40; St. Pap. Dom. Chas. I. CXXII. 34.

[83] "Yrland," said Charles, "being the only egg we have yet sitten upon, and having a thike shell wee have not yet hatched it." Ellis, III. p. 249 (1st series); Rushw. II. pp. 17—23.

[84] The Canterbury convocation was dissolved on March 11th, the day after the sudden dissolution of parliament. The delay in the case of the northern province is accounted for by the time it would take for the writ to reach. The five members were Dean Hunt, Archdeacons Clerk and Cosin, and Prebendaries Morecroft and James. Smart had, in August, 1628, preferred four indictments at the assizes; but in July this year a reconciliation is said to have been effected by Judge Yelverton. St. Pap. Dom. Chas. I. CXIII. 19, CXLVII. 15, 35, 42; Wake, p. 514; Wilk. Conc. IV. p. 476; Joyce, Syn. pp. 578, 656. Offences against the acts of uniformity by clergymen and others are still triable at the assizes held next after the committal of the offence, the bishop of the diocese having authority to sit in such cases with the judges "for the inquiry, hearing, and determining of the offences." The remedy by indictment is not subject to the bishop's veto, and is a prompt and summary one.

In the commons the various committees (that for religion included) were revived,[85] bills for enlarging the hearing of the word of God preached,[86] for the better maintenance of the ministry and for a better allowance to preaching curates,[87] for liberty to marry at any time or season, for the punishment of adultery and other offences,[88] for clergymen not to be justices of the peace,[89] concerning citations out of ecclesiastical courts, and to prevent disorders in ministers,[90] were brought in.

On January 26th, a Mr. Rouse spoke of the matter of religion, and of the new paintings "laid on the old face of the whore of Babylon to make her more lovely";[91] and the next day the house resolved that the matter of religion should have precedence of all other business, Pym making a speech objecting, amongst other things, to the superstitious ceremonies brought in, especially at Durham by Mr. Cosins, as angels, crucifixes, saints, altars, and candles.[92] On the 28th, complaint was made of the introduction of new ceremonies into the church, and the next day the house resolved on a solemn declaration (agreed upon by the committee for religion) as to the thirty-nine articles.[93] On February 2nd, the house pre-

[85] The general committee for religion of the whole house was to meet every Monday and Saturday. Journ. I. pp. 920, 928.

[86] It was read twice and committed. Journ. I. pp. 921, 923, 924, 931. A bill for the same object was brought, on January 20th, into the lords and read thrice. Journ. IV. pp. 6, 7, 10. A return made to Laud in 1634 gave 8803 livings in England, of which 3277 were impropriate, whilst 4543 were under £10, and only 144 over £40 yearly value. St. Pap. Dom. Chas. I. CCLXXIX. 7.

[87] This was read once. Journ. I. p. 924. A bill was drafted in the lords for this and the preventing the decay of churches, etc., by a committee of 4 bishops, 11 peers, and 4 judges, and on October 11th, a proclamation issued for the latter. Journ. H. of L. IV. p. 31; St. Pap. Dom. Chas. I. CL. 45.

[88] These were read once. Journ. I. p. 922.

[89] Journ. I. p. 926.

[90] They were read once. Journ. I. p. 928.

[91] Rushw. I. p. 645; Parl. Hist. II. p. 443; Neal, I. p. 521.

[92] Rushw. I. p. 647; Parl. Hist. II. p. 446; Collier, VIII. p. 41; Lingard, VII. p. 172; Journ. H. of C. I. p. 922; ante, n. 77.

[93] The declaration, which was meant to be a reply to the king, ran, "We, the commons assembled in parliament, do claim, profess, and avow for truth, that sense of the articles of religion, which were established in parliament in the thirteenth year of the reign of Queen Elizabeth, which, by the public acts of the Church of England, and by the general and current expositions of the writers of

sented a declaration to the king touching their resolutions to give precedence to religion.[94] On the 4th, the legality of Montague's confirmation, and the effect of the exceptions taken to it were discussed.[95] On the 12th, the debate concerning the pardon went on, and Mr. O. Cromwell, one of the committee, informed the house that Dr. Alabaster had preached flat popery at Paul's Cross, and that the Bishop of Winchester had both ordered Dr. Beard to preach nothing to the contrary, and had preferred Mainwaring to a rich living. "If," said the speaker, "these are steps to church preferments, what may we not expect?"[96] On the 23rd, the heads of articles for religion, agreed on by the sub-committee for religion were presented and read, and the house adjourned to March 2nd,[97] when

our church hath been delivered unto us, and we reject the sense of the Jesuits, Arminians, and of all others wherein they differ from it." Collier, VIII. p. 40; Journ. H. of C. I. p. 924; Rushw. I. pp. 649—651; Parl. Hist. II. pp. 446, 454; Cant. Doom. p. 163; Neal, I. p. 523; St. Pap. Dom. Chas. I. CXXXIII. 27, endorsed by Laud, "the challenge of the lower house in matters of religion."

[94] For the petition and the reply, see Rushw. I. p. 651—653; Parl. Hist. II. pp. 454, 455.

[95] Complaint was made, too, that the warrant to the attorney-general was to draw up a pardon for Montague only, but he had added the names of Cosin, Sibthorp, and Mainwaring. Rushw. I. pp. 653, 655; Parl. Hist. II. pp. 453, 462; Cyp. Ang. p. 186. On the 5th, Cosin was ordered to appear before the house to answer the charges made against him by Ogle. Journ. I. p. 927; ante, p. 398, n. 79.

[96] Rushw. I. p. 656; Parl. Hist. I. pp. 463—466. Cosin was charged with having had the common prayer newly printed, the word "minister" being changed into "priest."

[97] The bold and unwarranted introduction, practising, and defending sundry new ceremonies without authority, in conformity with the Church of Rome, as the erecting of altars, changing the usual and prescribed manner of placing the communion-table by setting it at the upper end of the chancel, with its ends north and south, in imitation of the high altar, the adorning it with candlesticks which by the injunctions of Elizabeth were to be taken away, the bowing thereunto, the setting up of pictures, lights, and images in churches, the praying towards the east, crossing *ad omnem motum et gestum* were amongst the matters and things objected to. Parl. Hist. II. p. 486. Whatever mistakes Laud may have made, and however grievous their results, it is plain that the author of the "Conference with Fisher" had no real sympathy with the Roman apostacy. He held that the true succession was that of doctrine and not of person or place, and that the Church of England professed the ancient catholic faith, and that it was absurd to say that the reformation of a corrupt church was the building of a new; whilst as to ceremonies, "the ancienter they be the better." As to those rigid professors who had become Roman Catholics, he observed that they were "more Jesuited than any other." And it is to be noted that in Laud's time, as in our own, the

it met, but the king having ordered another adjournment to the 10th, the speaker refused to put the question. Three resolutions were, however, read and passed whilst he was held in the chair, the king's messenger being stayed or locked out; and then the house broke up in confusion, and the king, going to the lords, dissolved the parliament without sending for the commons.[98]

16. During the sitting of parliament, Leighton, a Scotch physician, published a book called "Sion's Plea," for which he was afterwards punished.[99] On December 10th and 12th, Laud wrote to Dorchester that he thought of revising Queen Elizabeth's first injunctions, conceiving them one of the chief authorities for the proceedings of those times, for in King James's days the best lawyers were of opinion that they were ecclesiastical laws in force, though the queen were dead.[100]

most advanced ritualists really knew nothing of the subject or of what was the ancient and catholic use, for the means of acquiring accurate information were not readily at hand. Their zeal for a supposed antiquity outran both discretion and the lawful order. See Cyp. Ang. pp. 237, 238; Neal, I. p. 530; Laud, Hist. pp. 375, 379—394; Rushw. II. p. 278.

[98] Neal, I. pp. 525, 526; Rushw. I. p. 660; Parl. Hist. II. 491. Shortly afterwards the king put forth a declaration setting out the causes of the dissolution. For subsequent events, see Rushw. I. pp. 660—691, II. pp. 1—4, and App. pp. 1—55; Parl. Hist. II. pp. 494—530.

[99] He was the father of Archbishop Leighton, and had a very strong objection to, and dislike of, bishops, calling them hard names. For his offence he was sentenced, in June 1630, to pay a fine of £10,000, to have his ears cropped, his nose slit, his forehead branded with SS (after being pilloried), and then to be imprisoned for life. He made his escape, but was retaken, and the sentence was executed. Laud, Hist. p. 45; Cyp. Ang. p. 187; Neal, I. p. 539; Collier, VIII. p. 42; St. Pap. Dom. Chas. I. (1630) CLXXV. 43, 63, CCCLXIII. 119, CCCLXIV. 110, CCCCVIII. 168; Rushw. II. pp. 55—58.

[100] Nothing appears to have come of it, for he wrote, on January 5th following, that he had been prevented giving an answer about the injunctions because of illness, and that he found there were other canons and constitutions of the queen to be considered. St. Pap. Dom. Chas. I. CLIII. 44, 57, CLVIII. 18. The canons of 1603 did not consolidate all the existing Elizabethan canons, injunctions, orders, and articles. Such of them as were lawful and authoritative, and not merely provisional or temporary, and had not been repealed, superseded, or affected by subsequent legislation would be still in force, supplemented by the later and lawful injunctions and orders of the crown; *e.g.* we find the royal injunctions of 1694 enforcing not merely certain canons of 1604, but also the "articuli pro clero" of 1584 and "the constitutions made in the year 1597."

On the 30th, Abbot sent round the king's orders for the clergy. They were fourteen in number, and directed, *inter alia*,[101]

2. "That all lecturers do read divine service, according to the liturgy printed by authority, in their surplices and hoods before the lecture.

3. "That where a lecture is set up in a market town, it may be read by a company of grave and orthodox divines near adjoining, and of the same diocese; and that they ever preach in such seemly habits as belong to their degrees, and not in cloaks."

We find, too, this year the visitation articles of the Bishop of Carlisle and the Archdeacon of Bedford,[102] with Archbishop Harsnet's orders,[103] and a proclamation and form of service for the cure of the king's evil.[104]

17. A.D. 1630. A commission was issued this year to inquire into the fees and exactions of the ecclesiastical courts.[105] Sometime, too, in January the vestry of a parish at Salisbury agreed to and directed the removal of a painted window in St. Edmund's church there, the recorder to have the old glass on condition that he put in the new, whereupon the recorder, Sherfield, broke some of the glass with his staff, and

Card. D. A. II. p. 333, § 17; Wilk. Conc. IV. p. 625. One of the articles in the Advertisements is enforced in 1685 as "that excellent canon, 1564." Card. D. A. II. p. 306, § 9; Wilk. Conc. IV. p. 613.

[101] They were re-issued to Laud in 1633. Wilk. Conc. IV. p. 480; Collier, VIII. p. 42; Card. D. A. II. p. 177. See Bishop Curle's Articles, 1630, I. 17, 19, 1633, II. 32; Linsdell's, 1633, III. 43; Laud's, 1635, II. 2; Williams', 1635, II. 2, 28; Wren's, 1636, IV. 2; Duppa's, 1638, III. 12; Montague's, 1638, V. 16; Juxon's, IV. 8, V. 6; Bostock's, 1640, V. 2; Cosin's, 1662, III. 13; Layfield's, 1662, I. 14; Pory's, 1662, IV. 8, V. 6; Hammond's, 1670, II. 4; Fuller's, 1671, III. 10; Rit. Com. Rep. II. pp. 513, 534, 540, 548, 552, 559, 577, 582, 590, 591, 596, 602, 622, 626, 628, 637, 639; St. Pap. Chas. I. CLIII. 100, CLXII. 51, 52; Rushw. II. pp. 29—31. The wearing a surplice in preaching is contrary to church and canonical order, but it is the vestment proper for reading the homilies. Ante, p. 332, n. 57; post, n. 131.

[102] Rit. Com. Rep. II. pp. 506, 508.

[103] St. Pap. Dom. Chas. I. CLIV. 94.

[104] Wilk. Conc. IV. p. 476; St. Pap. Dom. Chas. I. CCLXVI. 1, CCXCIV. 53; Rushw. II. pp. 38—47. And see Kennet, Reg. pp. 727, 731.

[105] The eight commissioners were laymen and civilians. Hacket, Pt. II. p. 93.

was put into the Star Chamber.[106] In April, Chauncey, vicar of Ware, was articled in the high commission, but soon after made his submission to Laud.[107] Davenant also, the bishop of Salisbury, was summoned to appear before the privy council for a sermon preached before the king;[108] and a Mr. Mady, for preaching on the prohibited points, was cited before the high commission and silenced.[109] On the 12th, Laud was chosen Chancellor of Oxford, being installed on the 28th.[110] On June 27th, the young prince was baptised, special orders

[106] There were "seven pictures of God the Father in form of a little old man clad in a blue and red coat, with a pouch by his side," and to these people were seen to bow. Sherfield was fined £500, and removed from the recordership, besides being ordered to make a public acknowledgment of his fault and bound over to keep the peace. Cant. Doom. p. 102; Cyp. Ang. p. 216; Rushw. II. pp. 152—156; Neal, I. pp. 550, 551; St. Pap. Dom. Chas. I. CCXI. 20; CCXXXII. 56; CCXXXIII. 88; CCXXXVI. 33.

[107] His offences were the omission of the Athanasian Creed and the Old Testament lessons in the liturgy, the not using the surplice or the sign of the cross in baptism, or the "with my body," etc., in the marriage service. St. Pap. Dom. Chas. I. CLXIV. 40; CLXVII. 33. We find him, in 1635, again in the high commission, for opposing the railing-in of the communion table, as an innovation, and condemned by Laud to pay the costs and be imprisoned until the order of the court was obeyed. Rushw. II. p. 316; Cant. Doom. pp. 93—96; Neal, I. p. 578; St. Pap. Dom. Chas. I. CCCII. 16, CCCXI. 33, CCCXII. 59.

[108] It touched on the Quinquarticular controversy. The privy council, however, dealt gently with him, and, on promise of obedience, he was admitted to kiss the king's hand, and so took his leave. Fuller, XI. pp. 138—141; Collier, VIII. p. 47; Cyp. Ang. p. 202; Heylyn, Tracts, p. 505.

[109] He was the lecturer of Christ Church, London. Many others were silenced on the same grounds. Cyp. Ang. p. 202; Neal, I. p. 538; St. Pap. Dom. Chas. I. CLXXXVI. 41, 75, 76. Laud proved to him that to hold "opera Trinitatis ad intra are all one" was "a desperate heresy," and withdrew his licence.

[110] Fuller speaks of great discontents growing up in the university about this time on account of the innovations (defended by some for renovations and as having been used in primitive times), and of these finding vent in their sermons. Laud appears to have made good use of his power to suppress and punish the offenders, and with such success that in 1636 we find him absolute; the university addressing him as *his holiness* and *most holy father*, and the king at one time as *Augustissime et Christo proxime Homo-Deus*, and at another as *Augustissime regum et hominum divinissime*. Cyp. Ang. p. 297; St. Pap. Dom. Chas. I. CCXCVI. 54, CCCXXVII. 45; Fuller, XI. pp. 140—142; Laud, Hist. pp. 284—286.

being given for the ceremony.[111] Soon after the baptism, the project, started some four years before, of buying up impropriations was called in question in the exchequer, where the feoffments were condemned and the impropriations confiscated to the king's use.[112] Curle, too, visited his diocese this year.[113]

18. A.D. 1631. On March 25th, a commission went to Archbishop Harsnet, Lord Coventry, and others to use and exercise all ecclesiastical power and jurisdiction for the reformation of errors, heresies, and other enormities.[114] The consecration of certain churches and a chapel by Laud, and according to the Roman use as was said, caused no little stir.[115] It was followed on August 30th by a personal visitation of his diocese.[116] Urban VIII., too, wrote a long but

[111] An organ was to be brought into the chapel and a stage, with a font upon it, to be put in the midst. St. Pap. Dom. Chas. I. CLXVIII. 64, 65; Laud, Hist. p. 45.

[112] February 13th, 1633. The scheme was devised by the puritans, and was similar in its nature and design to the Simeon and like trusts. Laud, Diary, p. 47; Cyp. Ang. p. 198; Rushw. II. pp. 150—152; Fuller, XI. pp. 136, 143; Collier, VIII. pp. 58—60; Neal, I. p. 548; Cant. Doom. p. 386.

[113] He was bishop of Bath and Wells. His articles recognise the surplice and hood as wholly satisfying the lawful requirements of the rubric, and the 74th canon as regulating the dress of the preacher. Rit. Com. Rep. II. p. 513, §§ 17, 19; see also his articles for 1633, Id. p. 533. Archdeacon White's articles are also given in Rit. Com. Rep. II. p. 516, and again, for 1632, at p. 530; ante, n. 101.

[114] St. Pap. Dom. Chas. I. CLXXXVII. 40. There were 42 lay and 51 clerical members. It is a very long one.

[115] On January 16th, St. Catherine Creed; on the 23rd, St. Giles in the Fields; and on June 7th, a chapel at Hammersmith were consecrated. Prynne gives March 11th as the date of the last and also the prayer then used, which he says, but incorrectly, was in substance derived from the *Pontificale Romanum*. Laud was charged with following the forms in the pontifical, but denied it, saying he had used a form of Bishop Andrewes', whom he appears to have taken as a model. Andrewes, however, doubtless in all good faith, seems to have studied and made use of the ceremonial found in Roman service books, but then it was confined to his own private chapel. Laud had insisted on the chapel at Hammersmith being built east and west, and "no tricks." See Hist. pp. 45, 46, 339—342; Cant. Doom. pp. 114—126; Rushw. II. pp. 76—79; Cyp. Ang. p. 201; Neal, I. p. 540; St. Pap. Dom. Chas. I. CLIII. 20, 21, 45, 78.

[116] The articles would no doubt be the ones used in 1628. Mass books, breviaries, and other books of popery, together with chalices, copes, vestments,

"sweet yet soul-stirring expostulation" to his faithful children, whom neither persecution nor sword had been able to separate from the love of Christ, and what was more important still, from obedience to the pope.[117]

19. A.D. 1632. A letter of Laud's gives us a glimpse of the kind of toleration granted to the non-conformists of the time;[118] and a king's letter, dated July 17th, sought to recover certain presentations to crown benefices.[119] The attorney-general also reported on the many abuses and nuisances of Paul's walk,[120] and Bancroft, the bishop of Oxford, visited his diocese.[121]

20. A.D. 1633. On February 7th, Prynne was brought before the Star Chamber for his book against plays, revels,

and albs, being treated as unlawful and superstitious. Works, v. Pt. II. p. 414. For the articles of Bishop Williams, Archdeacons Davenant and Kent, see Rit. Com. II. pp. 517, 528.

[117] The brief was dated May 9th. Its chief object was to quiet the disputes and settle the squabbles common among the faithful. The arch-enemy had been busy stirring up strife against the arch-priest, and the pope saw with dismay the evils of a divided house. Dodd, III. pp. 158—160. On December 10th, Heath, C.J., gave an opinion that the renunciation, in the oath of supremacy, of all foreign jurisdiction applied only to the usurped authority of the pope, and that denizens might therefore take it. St. Pap. Dom. Chas. I. CCIV. 27. Rome then, as now, repudiated a divided allegiance, and required from her subjects an abject and absolute submission and obedience, wholly incompatible with loyalty to the state and the first duties of citizens; and in that wide domain of conscience, faith, morals, discipline, and rule, over which Rome still claims to hold undisputed sway, he is an alien who is not her slave. Flanagan, II. p. 316.

[118] On June 13th Laud wrote: "We took another conventicle of separatists in Newington Woods on Sunday last, in the very brake where the king's stag should have been unloosed for his hunting the next morning." St. Pap. Dom. Chas. I. CCXVIII. 46.

[119] Wilk. Conc. IV. p. 478.

[120] St. Pap. Dom. Chas. I. CCXIV. 94, CCXXIX. 116. Bramhall wrote to Laud that in Christ's Church, the principal church in Ireland, the vaults from one end of the minster to the other were "tippling rooms for beer, wine, and tobacco." Collier, VIII. p. 73. After the restoration in 1660, Peterborough minster was ordered to be used for worship and as a workhouse; and on St. Paul's, see Kennett, Reg. pp. 188, 549.

[121] His articles suppose the use of the surplice to be a compliance with the maximum order of the common prayer, and "mass books, vestments, or chalices to be employed or used at the mass or popish service" to be illegal. Rit. Com. Rep. II. p. 529, art. 4, 6.

and masques, etc., and sentenced to be disbarred, expelled from Lincoln's Inn, degraded at Oxford, put in the pillory both at Westminster and Cheapside, to lose his ears, to pay a fine of £5000, and be imprisoned for life. The Lord Dorset's speech was for a fine of £10,000, being more than he was worth, but less than he deserved, for, said he,

"I will not see him at liberty no more than a-plagued man or a mad dog, ... he is fit to live in dens with such beasts of prey as wolves and tigers like himself. Therefore I do condemn him to perpetual imprisonment as those monsters that are no longer fit to live among men nor to see light. Now for corporal punishment, whether I should burn him in the forehead or slit him in the nose . . . . he that was guilty of murder was marked in a place where he might be seen, as Cain was. I should be loth he should escape with his ears, for he may get a perriwig . . . . and so hide them . . . . therefore I would have him branded in the forehead, slit in the nose, and his ears cropt too."[122]

21. This year the removal of the communion-table from its usual place in the body of the chancel, or church, and the placing it lengthwise against the chancel wall, made

[122] Prynne was up again, in 1637, before the Star Chamber, in company with Bastwick, a physician, and Burton, a clergyman, and all three were fined £5000 each; the stumps of Prynne's and the ears of the two others to be cut off, Prynne to be branded with S.L. on both cheeks, and all three to be pilloried. Laud made a two hours' speech on the occasion, defending the innovations in religion complained of. The sentence was carried out; Prynne's stumps were sawn rather than cut off. The light-minded and common sort of people, we read, "showered herbs and flowers" before Dr. Bastwick, and when Burton's ears were cut there was such a roar as though each one of the multitude had lost an ear, and the sponges and handkerchiefs used to staunch the blood were kept as relics. Prynne, on his return to the Tower, celebrated the event in an epigram:

"Triumphant I return! my face descries
Laud's scorching scars—God's grateful sacrifice.
S L. Stigmata Laudis.
Stigmata maxellis bajulans, insignia Laudis
Exultans remeo, victima grata Deo."

They were afterwards kept close prisoners, and their wives and friends forbidden to see them. Rushw. II. pp. 220—241, 247, 385—390; Collier, VIII. p. 81; Neal, I. pp. 569, 570; Cyp. Ang. p. 250; St. Pap. Dom. Chas. I. CCXXXI. 77, CCXLV. 6, CCCXXXV. 69, CCCXLIII. 79, CCCLII. 65, CCCLIV. 176, 180, CCCLXI. 77, 92, CCCLXII. 70, 76, 103, CCCLXIII. 42, 119, CCCLXVII. 90, 92, CCCLXVIII. 14, CCCLXXI. 102; Lingard, VII. pp. 190—194; Ellis, III. p. 280, 2nd ser.; ante, n. 99.

further progress. Pierce, the bishop of Bath and Wells, in his visitation of this year, presented it and the railing-in of the tables.[123] On June 19th we find the Bishop of Lincoln giving permission to the parishioners of St. Martin to move their table at communion time to its former place.[124] On July 8th came the order of Archbishop Abbot, directing the parishioners of Crayford to receive kneeling on mats upon the two ascents;[125] and on November 3rd an order of the king in council directed the communion-table in St. George's church to be moved

[123] Laud endorsed them "Recepi, March 9th, 1633." Amongst the reasons given were the injunctions of Queen Elizabeth, the impropriety of the people sitting "above the priest when he consecrateth," the preventing the desecration and abuse of the table, the giving more room in the chancel for the communicants, the *face of the priest being seen of all*, and his voice better heard of all who were on the north side of the chancel, and the desirability of the parish churches following the cathedral use. Davenant, in his orders to Aldbourn, Wilts, in 1637, given by the king's orders, urges not only the injunctions, but the 82nd canon as authorities for the placing the communion table lengthwise against the wall, and says it is a thing indifferent, being "guided by the only rules of convenience," and he inhibited the churchwardens from removing it at communion. It seems that the priest was on the east side of the table, facing west, or his face could not have been seen by all, nor his voice be better heard of the people on the north side, who were gathered in the chancel to receive. If so, this position was in accordance with the ancient and catholic use of the primitive Christian church as opposed to the later violations and destructive innovations of the Roman apostacy. The elevation on steps was in order that the celebration might be seen in the church. On January 2nd, 1636, Bishop Pierce was able to report that he had got, out of the 469 churches and chapels in his diocese, no less than 140 of them to agree to the placing the table at the east end. Cant. Doom. pp. 102, 98; St. Pap. Dom. Chas. I. CCCXXX. 40, CCCLVI. 122; Rock, Hierurg. pp. 727, 745. The chancels and communion tables appear to have been used for divers purposes. Parish meetings were held and business done there, the accounts gone into and signed at and upon the table, which was sat upon, had hats and other things placed upon it, and was put to all kinds of uses. We read of pigs being kept and cock-fights held in the chancel. At common law all parish meetings were rightly held in the church after service, and, by custom, in some places in the chancel, notice being previously given in the middle of the service. St. Pap. Dom. Chas. I. CCCLXX. 90; Johns. Vade Mecum, I. p. 179; Toulmin Smith, pp. 53, 54, 315; Neal, I. p. 565.

[124] The ground was the greater capacity to receive communicants, the better hearing of the minister, and the nearness to the place where prayers were said. Cant. Doom. p. 92; St. Pap. Dom. Chas. I. CCXLI. 18, CCXLVI. 42.

[125] Wilk. Conc. IV. p. 479; Card. D. A. II. p. 174.

"from the middle of the chancel to the upper end, and there placed altarwise in such manner as it standeth in the said cathedral and mother church, as also in other cathedrals and in his majesty's own chapel, and as is consonant to the practice of approved antiquity."[126]

The churchwardens of Beckington declined, however, to obey the order of their bishop admonishing them

"to place the Lord's table against the east wall of the chancel with the ends of it north and south, as it stood in the cathedral church at Wells, with a rail about it, and to certify that they had done all this by the 6th of October following."

They objected that the communion-table had

"for seventy years and more stood in the midst of the chancel, enclosed with a very decent wainscot border, and a door, with seats, for the communicants to receive in, round about it."[127]

They were excommunicated on January 12th following in open court by the bishop for disobedience. They appealed to the Arches, but got laid by the heels, and had finally, after more than a year's imprisonment, to submit and do penance.[128]

[126] Wilk. Conc. IV. p. 482; Card. D. A. II. p. 185; Collier, VIII. p. 77; Cyp. Ang. pp. 244, 245; Rushw. II. p. 207; Neal, I. pp. 564, 565; Cant. Doom. pp. 87—89; St. Pap. Dom. Chas. I. CCXLVIII. 18. Five parishioners had articled Hart (one of the proctors of the church), Jennings (a clerk), and Durham (a notary), for removing the table from its "ancient and accustomed place in the middle of the chancel," and for placing it "altarwise against the wall." Laud, however, was now primate, and their articles miscarried. But the reason given by the privy council and by Laud, in common with the other members of the Anglo-Catholic school founded by Andrewes, was that the placing the table altarwise was consonant to "the practice of approved antiquity."

[127] There were seats round the two ends and south side; the one at the east end would be "above the table" and "above the priest." The table, up to Laud's time, usually at communion stood, as we have seen, in the midst of the chancel, and "the pews that surrounded it had their sides made to fold down for the convenience of the communicants; and some times the table had a kind of drawer which could be pulled out for the same purpose." See Handbook of Eng. Ecclesiology, p. 47. "Generally," says Johnson, "there are in the chancel pews, fastened to the freehold, for the use of the people when they communicate." Whether these might lawfully be changed into rails was a question he left others to decide. Vade Mecum, I. p. 179.

[128] Rushw. II. p. 300; Cant. Doom. pp. 97—100; Cyp. Ang. p. 273. They did penance in June and July, 1637, at Beckingham, Frome Selwood, and Bath. St. Pap. Dom. Chas. I. CCCLXIII. 91, CCCLXXV. 84; Laud, Hist. pp. 261—264.

22. On August 4th, Abbot died, and was succeeded by Laud, who, says Fuller, "formerly archbishop in power, now so in place," pressed "conformity more vigorously than before."[129] In the heat of the unhappy disputes that followed about the place of the "altar" and other such like things, men sacrificed "their mutual charity," and the holiness and orientation of churches, the bowing and posturing of the body, and the like petty trivialities served but to exasperate and intensify the more serious disputes and fatal differences, on constitutional matters, that so soon ended in the horrors of a fratricidal war, with all its guilt, misery, and shame.

23. On September 18th, Laud went to Lambeth, and the next day the king's letter against ordaining anyone *sine titulo* was written and sent to the two archbishops.[130] The instructions to the bishops were also issued.[131] On October 18th, the

[129] Fuller, XI. p. 150. Laud was appointed on the 6th, and in six weeks' time was settled at Lambeth. In 1635, "death freed him from a most formidable adversary," Weston, the lord treasurer. By this event Charles was able to act upon his own judgment, and the clergy reached "the top of Pisgah." Laud soon added to the weighty cares and grave responsibilities of the primacy, the not less harassing duties and perilous burdens of political life. Primate and prime minister (for the treasury was put into commission, and Laud was made chief commissioner), minister for foreign affairs, the leading member of the privy council (where the home affairs of both church and state were settled and controlled), member of the committee for Ireland, chief in the ecclesiastical commission, where, by letters patent, no grant or warrant could be drawn or issued, touching any cause of ecclesiastical cognisance, without his knowledge or approval, the king may be said to have reigned, but it was Laud who ruled, and both "church and king" were for a time united and governed upon the "basis of divine right." St. Pap. Dom. Chas. I. CCLXXXVI. 38, CCXCIX. 76; Collier, VIII. p. 67; Lingard, VII. p. 194; Neal, I. p. 557. Immediately on Abbot's death he was, as he records in his diary, and again on August 17th, seriously offered, by the queen it is said, a cardinal's broad-brim, but his answer was that there was something within him which would not suffer that "till Rome were other than it is." Hist. p. 49. For the mode of confirmation, see St. Pap. Dom. Chas. I. CCXLIV. 75.

[130] It was sent round by Laud on October 24th, with a declaration of what a canonical title, in his opinion, was. Wilk. Conc. IV. pp. 481, 482; Card. D. A. II. p. 181; Collier, VIII. p. 68; Cyp. Ang. p. 240.

[131] Wilk. Conc. IV. p. 480; Card. D. A. II. p. 177. They directed the use of the gown in preaching. It was chiefly done by lecturers or special preachers. Ante, n. 101.

royal declaration concerning lawful sports was published, and, on the 24th, sent round by Laud for distribution and publication in every parish in his province.[132]

24. On October 8th, the articles for the king's chapel in Scotland were sent by the king with a letter to Laud, directing him to see them observed and put in force, the royal chapel to be the pattern of the intended reformation in the Scotch cathedrals and churches, as, in fact, it had been to a great extent in England.[133] This year the Bishops of Peterborough and Winchester visited their dioceses.[134]

25. A.D. 1634. On January 2nd, Laud sent to the king the annual account of his province in obedience to the royal commands.[135] In February he determined upon the usual

[132] It pressed very hardly upon the puritans, who were to conform at once or leave the country. The question of church ales and revels had been a sore point for some time, and Laud seems not to have forgotten the action of Richardson, C.J., in 1631, in Somerset, and to have regarded the direction to publish the judges' orders in the churches as an encroachment on the ecclesiastical jurisdiction. A return was required of the Bishop of Bath and Wells, who, on November 5th, sent in answers from 72 selected parishes, where church ales, clerk and bid ales were observed, all in favour of their continuance. The chief justice was convented before the privy council, and came out, saying that he had been "almost choked with a pair of lawn sleeves." Collier, VIII. p. 71; Cyp. Ang. p. 242; Rushw. II. pp. 191, 458; Cant. Doom. p. 151; St. Pap. Dom. Chas. I. CCXXXVIII. 4, CCXLVII. 24, CCL. 20. A number of clergy were suspended or deprived for refusing to read the declaration in their churches. Neal, I. pp. 558—563; St. Pap. Dom. Chas. I. CCLXVII. 6, CCLXXXVII. 31, CCCXXXV. 19, 30, CCCXXXVII. 19 (where Wren reports only 15 excommunications or suspensions), CCCXXXVII. 74. The king, in his letter to the judges, said it was not his intention to give liberty to profane the Sabbath.

[133] Rushw. II. pp. 206, 207; Collier, VIII. p. 76. The orders require kneeling and the use of copes at communion, and the preaching in "whites." It would seem from this that, whilst the use of the gown in the pulpit in English parish churches was so strictly enforced, the surplice was allowed in the royal chapel and perhaps in cathedral and collegiate churches.

[134] For the articles, see Rit. Com. Rep. II. p. 537; Rushw. p. 186.

[135] Art. 14 of the king's instructions required a yearly account to be given, on December 10th, by each bishop, of the state of his diocese, to the archbishop, who was in his turn to make out a brief of his province, and present it to the king on January 2nd following. Collier, to avoid the Erastian look of the thing, puts it as done as a matter of courtesy and for mere information. But it was

visitation of his province, beginning "with Canterbury, his own cathedral," where, says Heylyn,

"he found the table placed at the east end of the choir by the dean and chapter, and adoration used toward it by their appointment . . . which, having found in so good order, he recommended to them the providing of candlesticks, basons, carpet, and other furniture for the better adorning of the altar and the more solemn celebrating of the blessed sacrament."[136]

26. The Bishop of Lincoln at first objected to Laud's power of inhibition, claiming a papal exemption, and the matter was referred to Noy, who decided in favour of the archbishop, and the visitation took place in August.[137] On the 20th, Brent made an order touching the decent keeping of the chancel at Boston.[138] In May, the London clergy petitioned the king for due payment of their tithes, and the matter was

a royal command. Wilk. Conc. IV. p. 481; Collier, VIII. p. 83. For the primate's return, see Laud, Hist. pp. 525—528; Laud, Works, v. ii. pp. 307—315, 317—322, and for the later returns for 1634—1639, pp. 323—370; ante, n. 131.

[136] For the articles and the new cathedral statutes, see Works, v. ii. pp. 453—456, 506—545. Stat. 34 enjoined on all "in ingressu chori divinam majestatem devota mente adorantes humiliter se inclinabunt versus altare (prout antiquis quarumdum Ecclesiarum Statuti cantum novimus), et de in converso Decano quoque debitam reverentiam exhibebent." The bowing to the east or to the table seems to have been rigorously insisted on, and to neglect it was a serious offence. One offender objected that God was present everywhere. St. Pap. Dom. Chas. I. CCLXXVIII. 65. Laud's tapers were not lighted at communion; the altar furniture was said to be "no other than such as was in use in the king's own chapel." See St. Pap. Dom. Chas. I. CCLX. 90; Cyp. Ang. p. 274; Rushw. II. pp. 274—280; Collier, VIII. p. 93.

[137] See St. Pap. Dom. Chas. I. CCLXIII. 35, 88, 89 for notes on the archbishop's power of inhibition, and for the metropolitan visitation articles and those for the diocese of Lincoln; and Wilk. Conc. IV. pp. 487—490 for Noy's opinion. The communion table at Lincoln was "not decent, the rail before it worse, the organs old and naught, and the copes and vestments embezzled." Cant. Doom. p. 81; St. Pap. Dom. Chas. I. CCLXXIV. 12; Collier, VIII. p. 88. The visitation was held by Brent, the vicar general.

[138] Laud's Works, v. ii. p. 498. § 10 regulates the seating of the parishioners "according to the payments that everyone shall make towards the public charge of the parish." Later directions, in 1636—37, make "degrees, estates, qualities, and conditions" the rules. Id. p. 501.

heard and disposed of before and by the king in council.[139] The repairs and alterations now made at the chapels at Lambeth and Croydon gave great offence, and were afterwards charged against Laud by the commons.[140] We have, too, this year Goodman's visitation articles.[141]

27. A.D. 1635. On March 26th, Laud gave his vicar-general the needful instructions for the visitation.[142] His articles for Norwich and Winchester are alike, and are doubtless forms of the ones used for the whole province.[143] They direct the

placing of the table at communion in such convenient sort within the chancel or church as that the minister may be best heard in his prayer and administration, and that the greatest number may communicate. The ten commandments were to be set up at the east end and scripture sentences written on the walls. The surplice was taken to satisfy the maximum requirements of the rubric and the canons. At Worcester, Glo'ster, Winchester, and Chichester cathedrals there were no copes, and they were ordered. At Norwich the copes were reported fair, but wanted mending. Several ministers were suspended for non-conformity, and one for allowing his poultry to roost and his hogs to lodge in the chancel.[144]

[139] The clergy claimed a tithe of 2*s.* 9*d.* in the pound rent, but alleged that it was not paid on the true value of the rent. Rushw. II. pp. 269—272; Collier, VIII. pp. 87, 88.

[140] Rushw. II. pp. 273—280, IV. p. 196; Laud, Hist. p. 435. The crucifixion in painted glass in the east window, the change in the position of the communion table, which had stood tablewise, with the ends east and west and some distance from the wall, ever since the Reformation, and without any rail round it, the placing candlesticks and tapers, besides basons and other silver vessels, upon it, the hanging of an arras shewing the last supper behind it, the introduction and use of a credence, the bowings and adorations, the gaudy Roman copes, never used before, the erection of a new organ, and the consecration of ornaments were alleged against him. Cant. Doom. pp. 59—67, 461—473; St. Pap. Dom. Chas. I. CCLXXXVIII. 25, CCCI. 68, CCCII. 8, 9.

[141] Rit. Com. Rep. II. p. 542. Neile's articles, given in the table of contents, are omitted in the text.

[142] St. Pap. Dom. Chas. I. CCLXXXV. 48.

[143] Rit. Com. Rep. II. p. 547; Laud, Works, v. ii. p. 419.

[144] For the articles and orders for cathedrals, etc., see Works, v. ii. pp. 457, 462, 463—466, 478, 479, 481, 483—488; Wilk. Conc. IV. pp. 517—521; Cyp. Ang. pp. 271, 275, 287, 295; Cant. Doom. pp. 80, 81; St. Pap. Dom. Chas. I. CCXCI. 16, CCXCIII. 128, CCXCVI. 6, 13, 19. No directions were given as to

28. On September, 24th, Dr. Mainwaring reported the "renovations" that he had made at Worcester cathedral.[145] Williams, too, visited his diocese,[146] and we find him appealing, on August 10th, from the Arches to the delegates.[147] On May 23rd, the king confirmed the Scotch canons.[148] We have also a letter, dated November 18th, from Sancta Clara,[149] who says,

"The bearer hereof is sent from our queen to his holiness, and is to remain there as lodger. You know we have one Saint Gregorie

railing-in or removing the table, and Aylett, an official under the chancellor of London, was met by Laud's articles, delivered by his visitors, justifying, if not directing, the removal of the table at communion time; but it was clearly about this year that the table began to be more commonly placed altarwise and railed in, and the upper end of the chancel raised; but it may be doubted, seeing the fierce opposition the change met with, whether it was ever general in the time of Laud. Rushw. II. p. 207; Cyp. Ang. pp. 269—274; Neal, I. p. 565; St. Pap. Dom. Chas. I. CCXCVI. 27; Collier, VIII. pp. 90—93. See post, n. 156.

[145] St. Pap. Dom. Chas. I. CCXCVIII. 43; Cant. Doom. p. 81. He reported: the erection of an altar-stone of marble, erected and set on four columns; the covering the wall behind the altar with azure coloured stuff, with a white silk lace down each seam; the adorning "the altar" with a pall and frontal; the putting up a rail to fence the holy table, and that divers vestments and other ornaments of the church,—as copes, carpets, and fronts being turned into players' caps and coats, ... were burned, and the silver extracted put into the church treasury.

[146] Rit. Com. Rep. II. p. 551. For Montague's curious articles, see Cant. Doom. p. 94.

[147] St. Pap. Dom. Chas. I. CCXCV. 51. An inhibition went to the Arches from the delegates.

[148] They were twenty-five in number, and are given in Collier, VIII. p. 96; Cyp. Ang. p. 280. The Scotch, however, quarrelled with and disclaimed them as being imposed without their approval and consent. A synod had met in 1634 at Dublin, when, by virtue of the king's letters patent, 100 canons were framed and agreed on, and afterwards ratified by the king. Wilk. Conc. IV. p. 498.

[149] Franciscus a St. Clara, otherwise Christopher Davenport, was chaplain to Queen Henrietta, and the author, amongst other works, of the book *Deus, Natura, Gratia* (the Tract XC. of the time), which he dedicated to the king, and did not refute by afterwards going over to the other side. A supposed intimacy and sundry conferences with Davenport were made the ground of a charge against Laud, but Laud cleared himself of the accusation, shewing that he declined to licence the book, which was in fact printed at Lyons in 1634. Dodd, III. p. 104; Laud, Hist. pp. 385—388; Neal, I. p. 598; Cant. Doom. pp. 423—431. Berington says the book gave great offence at Rome, but was pleasing to Charles. It was not, however, put in the Roman Index. Mem. of Panz. pp. 165—168.

Pansano (Panzani) of the oratory who resideth here from his holiness, thus as we hope there will be a beginning of correspondence. He goeth *in recto* from the queen, but, etc., the agent of the Benedictines, called Father Wilfrid, and Senior (Signor) Georgius Conaeus are designed from hence to be his assistants in this good business."[150]

29. A.D. 1636. On January 10th, the Mayor of Plymouth sent to the council an account of the arrest there of a priest who had "popish books, crucifixes, beads, indulgences, pictures, and such like superstitious things."[151] On the 28th, the Archbishop of York certified the king of the state of his province.[152] On March 6th, Juxon, the bishop of London,

[150] The mission and intrigue both of Panzani (who came to England this year) and his successor, Conn, were failures, the hostility of the pope to the taking of the oath of allegiance being fatal; and Brett, who was sent by Charles to Rome to obtain the pope's approval of the oath "of course," says Flanagan, "failed." Urban VIII. "constantly refused to employ his influence in favour of a protestant to the prejudice of a catholic prince, and Charles as obstinately refused to admit of any form of oath which did not include a full and unequivocal disclaimer of the deposing power." Urban had in 1626, upon the mere dismissal of the queen's servants, written to the kings of France and Spain, "exhorting them to arm in defence of God, and to unite in chastising the insolence of a nation whose impiety called to heaven for vengeance." Barberini, however, was now willing "to rob Rome of her most valuable ornaments if, in exchange," the king's name might "stand amongst those princes who submit themselves to the apostolic see." Panzani, Mem. pp. 167—180, 194; Lingard, VII. pp. 186—188; Tierney, V. pp. 163, cccxxxviii. No. LX.; Flanagan, II. p. 320; Hallam, Const. Hist. II. pp. 486—493; Dodd, III. p. 75; Cyp. Ang. p. 287; Cant. Doom. pp. 440—460; Rushw. II. pp. 376—413; Collier, VIII. p. 142. Lingard says, with truth, that "Charles had no idea of a reunion between the churches; and that, if Laud ever cherished such a project, he kept it to himself." Lord Falkland put it that some had "laboured to bring in an English, though not a Roman, popery . . . a blind dependence of the people upon the clergy and of the clergy upon themselves, and have opposed the papacy beyond the sea, that they might settle one beyond the water." This was probably meant of Laud's "Thorough," which the king, for a time, stayed for the State. Nalson, I. p. 769.

[151] St. Pap. Dom. Chas. I. CCCXI. 46.

[152] There was, he said, scarcely a beneficed minister stiffly unconformable; a few stipendiary curates were so, but had submitted. St. Pap. Dom. Chas. I. CCCXII. 84. For other certificates, see Laud, Hist. p. 538; Collier, VIII. pp. 102, 118; St. Pap. Dom. Chas. I. CCCXVI. 8; Cyp. Ang. p. 291; Neal, I. p. 385. Mention is made of the suspension or excommunication of all contumacious clergymen, and the setting up by a learned and pious man of a supposed ancient altar-stone on a brick pillar for a communion-table. But as it turned out to be

was made lord treasurer.[153] On the 29th, Laud set out certain statutes or orders for the regulation of the arches.[154] On June 21st, judgment was given by the king in council upon the question whether the primate could visit the two universities *jure metropolitano*.[155] On the 29th, Dr. Aylett reported the great opposition made to his orders for the railing-in of communion-tables and for the receiving at the rails.[156] The introduction this year of the English liturgy, with sundry alterations, into Scotland, added to the existing discontent, and served to give colour to the false report of an intention to revive popery and set up the mass. And these

but a gravestone, and to avoid rumours, the bishop had it quietly removed and the ancient communion-table restored, but did not further question the clerk, whose act Laud considered to be very bold, being without the knowledge and consent of his ordinary. The objection to the receiving at the rails was also noted, Laud adding, "this is not regulated by any canon of the church, ... truly I think for this particular the people will best be won by the decency of the thing itself, and that, I suppose, may be compassed in a short time. But if your majesty shall think it fit that a quicker way may be held, I shall humbly submit." Laud, Hist. p. 543.

[153] Laud remarked on this, "and now if the church will not hold up themselves under God, I can do no more." Hist. p. 53; St. Pap. Dom. Chas. I. CCCXV. 3, 58, 61; Rushw. II. p. 288; Collier, VIII. p. 102.

[154] Wilk. Conc. IV. p. 529; Works, V. pt. ii. p. 501; St. Pap. Dom. Chas. I. CCCXVII. 64.

[155] It was given for the archbishop, who was thus enabled to carry forward the alterations and reforms in matters of religion or otherwise he desired. Rushw. II. pp. 324—332; St. Pap. Dom. Chas. I. CCCXXVII. 18; Cyp. Ang. p. 296; Collier, VIII. pp. 103—105; Wilk. Conc. IV. pp. 525—528; Neal, I. p. 583; ante, n. 110.

[156] Wheeler, a churchwarden at Colchester, had declined in February to alter the position of the table as directed by the ordinary, on the ground that it was illegal to do so, and was excommunicated. Aylett points out to Laud that it was urged to him that it was not so done in the London churches, nor given in charge in Laud's own article books. St. Pap. Dom. Chas. I. CCCXIV. 130, CCCXXVII. 101; Cant. Doom. pp. 92, 98. The Chancellor of Lichfield ordered the table to be placed on three steps, that the celebration might be seen in the church. Id. CCCXXX. 40. And Laud ordered the removal of galleries and raised seats, together with all monuments at the east end of the chancel. See Fuller, Ch. Hist. XI. pp. 150, 151, who notes the disputes about the holiness of churches, the bowing towards the table, the use of the "altar" for the communion-table, and its place both at, and out of, communion time. But it never seems to have occurred to Laud or anyone that either the proviso in the act, or the rubric, were in force so far as the ornaments of the second year of Edward VI. were concerned.

"novations in religion" were amongst the long list of offences charged against Laud.[157] The king gave, on October 28th, formal instructions for its use, and on December 20th, authorised it by a royal proclamation.[158]

We have this year Wren's remarkable and curious visitation articles and injunctions,[159] and Bishop Williams published a reply to "The Coal from the Altar."[160]

30. A.D. 1637. The question of the ecclesiastical procedure was now revived, and the holding of the bishops' courts, the issuing of process, and the pronouncing church censures in their own names, instead of the king's, was objected to. The opinion of the judges was therefore required and given, on

[157] Laud said in his defence, "I have no popish spirit . . . . . we live in a church reformed, not in one made new. Now all reformation that is good and orderly takes away nothing from the old but that which is faulty or erroneous. If anything be good, it leaves that standing . . . . . these variations were taken either from the first book of Edward VI., which was not popery, or from some ancient liturgies which savoured not of popery." Laud, Hist. pp. 87—143; Collier, VIII. pp. 107—116; Lingard, VII. pp. 206, 207; Rushw. II. p. 84.

[158] Rushw. II. p. 343, 386—408; Cyp. Ang. pp. 304—309, 315—335; Neal, I. pp. 604—615; Fuller, XI. pp. 160—169; Collier, VIII. pp. 109, 112, 135. It was to come into use on Easter Day, 1637, but this was deferred till July 23rd. One result was the tumult, on July 23rd, at Edinburgh, when Jenny Geddes saluted the bishop with her stool, and the remark, "Out, thou false thing, dost thou say the mass at my lug"? Whilst the people cried, "A pope! a pope! antichrist! antichrist! stane him! stane him!" Several royal proclamations (one of them expressing the king's abhorrence of the superstition of popery) were issued to quell the rising storm. The disorders that followed the introduction of the Scotch liturgy proved fatal to Armstrong, the king's fool, who was sentenced to have his coat pulled over his head, to be discharged from the king's service, and banished the court for "certain scandalous words of a high nature" spoken by him to Laud as he was going to the council table, the words being, "Wha's feule now? Doth not your grace hear the news from Striveling about the liturgy?" Rushw. II. p. 470.

[159] Neal says there are 897 questions. Wren knew nothing of the "six points." He required the minister at *all times* to be in his surplice and hood whensoever he is in public to perform *any* part of his priestly function. Rit. Com. Rep. II. p. 565; St. Pap. Dom. Chas. I. CCCXXXIX. 54; Neal, I. p. 585. Out of the 1500 clergy in his diocese, there were not over 15 excommunicated or suspended. St. Pap. Dom. Chas. I. CCCXXXVII. 19.

[160] Heylin wrote the "Antidotum Lincolniense," and Pocklington the "Altare Christianum" in answer. Collier, VIII. pp. 119, 120; Hacket, pt. ii. pp. 102—109; Cant. Doom. p. 206; Cyp. Ang. pp. 311—313.

May 12th, in the bishops' favour; and it was followed, on August 18th, by a royal declaration confirming it.[161]

31. In March we have a return, by Sir N. Brent, of his metropolitan visitation of the diocese of London.[162] On May 7th came an order of the king in council directing a proclamation to issue for the suppression of F. Sales' "Introduction to a Devout Life."[163] On the 9th, the Master of the Temple petitioned the king, as ordinary, for an order to be made touching the placing of the communion table.[164] On the 10th, Laud gave directions as to the disposition of offertory money.[165]

32. On July 1st, he "procured a Star Chamber decree for regulating the press." It provided that

"none shall presume to print any book or pamphlet whatsoever, unless the same be first licensed, with all the titles, epistles, and prefaces therewith imprinted, by the Lord Archbishop of Canterbury or the Bishop of London for the time being or by their appointment. . . . And that no books whatever shall be re-printed, though formerly licensed, without a new license first obtained."[166]

[161] Prynne and Bastwick had raised the question. Collier, VIII. p. 130; Cyp. Ang. pp. 321—323; Wilk. Conc. IV. pp. 534, 536; Rushw. II. p. 450; Card. D. A. II. p. 212; St. Pap. Dom. Chas. I. CCCLXVI.; ante, p. 354, n. 128. In March this year an account of all the various ecclesiastical courts and officers was drawn up. It is given in Mr. Rothery's return, p. xxvi., and St. Pap. Dom. Chas. I. CCCL. 82.

[162] St. Pap. Dom. Chas. I. CCCLI. 100.

[163] The proclamation came out on May 14th. It directed the book to be publicly burnt as popish. St. Pap. Dom. Chas. I. CCCLV. 127, CCCLVI. 49; Collier, VIII. p. 145; Rushw. II. p. 410; Cyp. Ang. p. 338; Cant. Doom. p. 187.

[164] The master stated that the altar or holy table, pulpit, and reading place in the church were not put as in other churches; that the Temple Church was a "choir church" exempt from episcopal jurisdiction and subject directly to the king, and petitioned for an order that the table, pulpit, and desk should be placed as in the royal chapel. The king made the order. St. Pap. Dom. Chas. I. CCCLV. 148, 149.

[165] It was an order made by Laud and the lord keeper in the cause of the vicar against the mayor, etc., of Plymouth. The churchwardens were to receive and distribute it amongst the poor. St. Pap. Dom. Chas. I. CCCLV. 169. The new rubric of 1662 directs it to be disposed of as the minister and churchwardens shall think fit; the bishop to appoint in case of difference.

[166] Rushw. II. pp. 450, 463; Collier, VIII. p. 145; Neal, I. p. 595; Cyp.

On the 24th, Williams, bishop of Lincoln, was suspended.[167] On December 20th, the king forbad, by a proclamation,

> the withdrawing of his subjects to the Roman superstition and the forsaking the Church of England, and likewise the resorting to masses and service celebrated according to the rites of the Church of Rome, expressly contrary to the law of the realm.[168]

Laud visited the peculiars of Canterbury this year,[169] and we have notes of the visitation of 115 churches in Buckinghamshire.[170]

33. A.D. 1638. This year the innovations in religion, the railing in of the table, the placing it at communion time against the chancel wall, and the receiving at the rails, the reading the book of sports, and the doing reverence toward the altar, met with continued resistance, both from ministers,

Ang. p. 341; Cant. Doom. p. 179. And see the complaint in the commons on February 12th, 1629; and St. Pap. Dom. Chas. I. CCCCLVIII. 46, CCCCLXXIII. 93.

[167] Williams had been, when lord-keeper, Laud's early friend and benefactor. Laud, however, says Collier, "concurred in the censure with the rest of the Star Chamber, and harangued with great vehemence and length upon Williams' offence." Williams was discharged out of the Tower in 1640. Collier, VIII. pp. 132—135; St. Pap. Dom. Chas. I. CCCLXIII. 108, CCCLXIV. 42—44; Cyp. Ang. pp. 323—327; Hacket, pt. ii. pp. 116—139. Bishop Hacket says that Laud sought to have Williams deprived for his book on the holy table; and this appears to be the fact, for he was put into the high commission court on account of it, Sir J. Lambe being appointed to exercise ecclesiastical jurisdiction in the county of Leicester during the suspension. Ib. p. 129; St. Pap. Dom. Chas. I. CCCLXVI. 79, CCCLXXXVI. 96, CCCCLXIX. 98, CCCCLXX. 83.

[168] Rushw. II. p. 453. Another proclamation followed on June 28th next year, in which the king said he would "maintain the true protestant Christian religion," and not press the Scottish canons or service-book. St. Pap. Dom. Chas. I. CCCLXX. 27, CCCXCIII. 66; Laud's Works, v. pt. ii. pp. 586—606; ante, n. 148.

[169] Rit. Com. Rep. II. p. 572; ante, p. 376, n. 224.

[170] St. Pap. Dom. Chas. I. CCCLXVI. 79; Cant. Doom. p. 101. For notes of other visitations see St. Pap. Dom. Chas. I. CCCLXX. 51, 57, CCCLXXV. 54, where the removal of the chancel-benches and desks and the placing the table altarwise with rails is ordered. In London we read of the communion being still given in the pews, and that many tables were not railed in, and some were still placed in the middle of the chancel. St. Pap. Dom. Chas. I. CCCLXXI. 39. For Laud's account of his province for the year see Hist. p. 546; Works, v. pt. ii. p. 355.

churchwardens, and people;[171] whilst the king's letter of February 4th to the high commissioners, directing them how to proceed against and treat those who refused to take the oath *ex officio*, served but to hasten the already gathering storm.[172] It was not possible that either Laud or the king could be blind to the omens, or unaware of the extreme gravity of the situation both in England and Scotland; but they appear to have had no misgivings as to the wisdom or results of the policy that was pursued. The clouds, however, burst more quickly and with greater force than they probably expected.[173]

34. We meet, on May 30th, with the proceedings in the

[171] St. Pap. Dom. Chas. I. CCCLXVIII. 74, CCCLXXV. 99, 109, CCCLXXVIII. 72, CCCLXXXI. 60, 63, 88, CCCLXXXVII. 68, CCCXCIII. 15, CCCXCIII, 75, 92, CCCXCV. 79, CCCCVI. 88, CCCCVII. 6, CCCCX. 9, CCCCXV. 7; Cant. Doom. p. 96. Heylyn says the puritans objected, not to the coming up to the rail, but to the going into the chancel. This, however, may be doubted, for it is clear that up to Laud's time the communion was commonly received at and around the table usually placed in the midst of the chancel, but sometimes in the body of the church. Cyp. Ang. p. 96.

[172] Card. D. A. II. p. 217; Wilk. Conc. IV. p. 537. The king now directed that those who refused to be sworn or, being sworn, to answer should be adjudged as having confessed, and the matters objected to be taken *pro confesso*.

[173] We read, on March 28th, 1639, that "my Lord of Canterbury's men wear swords," but for what reason is not stated. In Scotch affairs the king did not advise with his council, as in English matters, but chiefly with Laud, who, during the absence of the Marquis of Hamilton, was supreme. Every step taken served but to intensify the feeling roused in Scotland, and to give shape to the daily increasing strength of the opposition. Laud appears to have neither understood nor gauged its depth and width. He probably saw in it a wilful and wicked resistance to a good and pious work which, in conformity with his policy of "thorough," he was little disposed to give up. The king was equally blind, though from other causes. The success against Hampden had established the royal independence of parliament, and it seemed as if, in England, the battle against the constitutional liberties of the people had been won, and parliamentary government fairly got rid of for a lifetime at least. The courts were subservient to the crown. Laud was first both in church and state, and found, in the high commission and Star Chamber, powerful agents for enforcing his will, too often with a severity that in these days seems as incredible as unintelligible, and so things went from bad to worse, and the foundations of our civil and religious liberties had to be relaid in a soil red with the blood of citizens. St. Pap. Dom. Chas. I. (1637—38) CCCCXV. 65, pref. x.—xii., CCCXCIII. 33. On the king against Hampden, see Rushw. II. pp. 481—605; St. Pap. Dom. Chas. I. CCCXIV. 1—10.

case of Wm. Pickering,[174] and we have three sets of visitation articles, by the Bishops of Chichester and Norwich and the Archdeacon of Worcester.[175] The Bishop of Chichester asks,

"Is your communion table an altar, strong, fair, and decent? Is it set, according to the practice of the ancient church, upon an ascent at the east end of the chancel, with the ends north and south? Is it compassed in with an handsome rail to keep it from profanation, according to an order made at the metropolitical visitation?

"Is divine service orderly performed in your church by your minister or curate upon appointed times as the book of common prayer prescribeth, without any kind of alteration, addition, or omission?

"Is he entirely conformable to all orders, rites, and ceremonies of the church, or using them only for a show?

"Doth he in celebration of divine service use such vestments as are enjoined by authority? Doth he constantly in performing that duty wear a surplice and an hood (if he be a graduate) suitable to his degree?

"Does he preach in such a solemn habit as becomes him, in a long gown and cassock, not in a riding or ambulatory cloak?"[176]

35. Montague also speaks of the "communion table or altar,"[177] and enquires:

[174] Pickering, who was a papist, had said that the king was one too; for this he was sentenced by eight members of the court to be pilloried and lose his ears, and to be fined £10,000 and whipped. The lord chamberlain suggested branding with the letter L and the tongue bored with an awl. The lord keeper added a special imprisonment for life or during the king's pleasure, whilst Laud was for "the highest sentence." St. Pap. Dom. Chas. I. CCCXCI. 85. The case is an instance of the harshness of the time; and see Knight, Hist. III. p. 439.

[175] Rit. Com. Rep. II. pp. 576, 579, 585.

[176] Tit. ii. 6, iii. 8, 9, 10, 12. He refers, like Montague, to the incumbent and not to the lecturer, not that it made any difference. See Perry, Ch. Orn. p. 392, note *a*. Pepys notes the hearing "a poor cold sermon" of a Dr. Lamb at Westminster Abbey "in his habit," and the seeing a Mr. Mills in a surplice, "but it seemed absurd for him to pull it over his ears in the reading-pew, to go up to the pulpit to preach without it." Diary, Oct. 7th, 1660, Oct. 26th, 1662. This is the Mr. Mills who, in a sermon of August 9th, 1663, preaching on the authority of ministers was, says Pepys, "methought a little too high," for he quoted approvingly the saying "that if a minister of the word and an angel should meet him together, he would salute the minister first." See App. U.

[177] Tit. iii. 7. On the use of the word "altar," he says, "if we will (as we

"Doth your minister officiate divine service in one place, upon set times, in the habit and apparel of his order, with a surplice, an hood, a gown, a tippet? not in a cloak or sleeveless jacket, or horseman's coat." [178]

Laud, in his report of his province for this year, speaks of the receiving at the rail set before the communion table as being commonly practised.[179]

On September 9th, the king sent instructions to the Marquis of Hamilton, empowering him to revoke the Scottish service book, canons, and high commission, and, on September 21st, by proclamation, made void all acts of council tending to establish them, but it was too late.[180]

36. A.D. 1639. On February 10th, Laud's book against Fisher was printed; in April the king marched against the Scots, and the troubles began, and, in consequence of "the Scottish rebellion," the king, on December 5th, decided to call a parliament.

In Laud's account of his province for this year, the last he ever sent in, he mentions the snatching away during service time, by a dog, of the "loaf of bread prepared for the holy sacrament," and that, as none other fit for the sacrament was to be had in the town, there was no communion.[181]

37. A.D. 1640. On April 13th, parliament, and the next

profess to do) follow the course and practice of the ancient, primitive, apostolical church, we ought not to traduce or be offended at the name, thing, or use of *altar*, whereat a manifold sacrifice is offered to God." Tit. vii. 12. See St. Pap. Dom. Chas. I. CCCLXXXVI. 63, CCCCVI. 108. Montague called transubstantiation "that monster of monsters." Gag. Pref. p. 12.

[178] Tit. v. 16.

[179] "For the thing itself, it is certainly the most decent and orderly way, and is practised by your majesty and by the lords in your own chapel, and now almost everywhere else." But the Bishop of Norwich reported that his diocese was troubled about it. Laud, Hist. p. 557; Hist. v. pt. ii. p. 360.

[180] Rushw. II. pp. 754, 759, 762.

[181] Laud, Hist. p. 562. The town was Tadlow, and the communion-table was not railed in. As it was the only loaf of the kind in the town, it would probably be made for the communion. Ante, p. 205. Laud notes a falling-off and (in the case of many that were brought to good order) a refusal to receive at the rails. Works, v. pt. ii. pp. 362, 364, 367.

day, the two convocations,[182] met. On the 17th, the bishops met in Henry VIII.'s chapel, at Westminster,

and after prayers, the usual protestation by the dean and chapter of Westminster was made; after which the clergy were sent for, who came and presented the Dean of Chichester as prolocutor, and the primate, with the assent of the bishops, allowed the election. Laud then read the king's letters, authorising and licensing them to

"consider, consult, and agree upon the exposition or alteration of any canons or canons now in force, and of and upon such other new canons, orders, ordinances, and constitutions as they, the said Lord Archbishop of Canterbury, president of the said convocation, and the rest of the said bishops and other the clergy of the province or the greater number of them (*whereof the said Lord Archbishop of Canterbury, president of the said convocation, to be one*), shall think necessary or convenient." The canons, orders, etc., when treated on and settled, were to be exhibited to the king for approval, confirmation, rejection, or otherwise, as he should think fit, requisite, and convenient; and nothing was to be agreed on that was contrary "to the liturgy established, *or the rubric in it*, or the thirty-nine articles, or the doctrine, orders, and ceremonies of the Church of England already established;" nor were any of the canons to be of any force in law until approved by letters patent under the great seal.

The prolocutor and clergy present were then told to consider the questions of a subsidy and the canons, and to give in written opinions to the primate and bishops. They were then dismissed, and the bishops continued for some time in conference, the provincial synod being prorogued by the primate (with the consent of the other bishops) to the 22nd.[183]

On the 22nd the synod of bishops met, and seven were dismissed to attend the parliament. After a discussion and conference with the other bishops, the primate sent for the lower house, and informed

[182] For the *Acta et Decreta*, see Nalson, I. pp. 351—376; Syn. Ang. pt. ii. pp. 9—54, ed. 1702, pp. 167—197, ed. 1854; Card. Syn. II. pp. 603—630, I. pp. 380—415; Wilk. Conc. IV. pp. 533—553. It met at St. Paul's in the chapter-house. Cyp. Ang. p. 396; Fuller, XI. p. 167; Wake, p. 515. For the king's visit to Laud, see St. Pap. Dom. Chas. I. CCCCXLV. 73.

[183] Fuller speaks on this occasion of "both the houses of convocation being joined together." But they did not sit or consult together, but separately. Ch. Hist. XI. p. 168; Nalson, I. pp. 358—361. The vicar-general, Brent, attended. "Nothing could be done without the archbishop's being a party." Collier, VIII. p. 175. For the royal commission to Laud see St. Pap. Dom. Chas. I. CCCCL. 95; Rymer, XX. pp. 403—405.

them that the bishops had agreed to give six subsidies, and requested their prompt assent, which was given, and the usual committees of both houses were appointed to examine and correct the book of subsidies. The primate then gave the prolocutor the draft of two canons agreed on by the bishops, with strict directions as to how the lower house was to receive and treat them, and so dismissed him, the synod remaining in conference for some time longer, being prorogued to April 24th, and then to the 25th, when the subsidy, and a form of prayer for the parliament, and the matter of the canons were treated of, and the synod prorogued to April 29th and May 5th, on which day parliament was dissolved.[184]

38. On May 6th, convocation again sat, anticipating a dissolution as usual, but, to the amazement, it seems, of very many, it was adjourned, by a commission from Laud, to the 9th,[185] and then, and again, to the 13th, when a fresh commission and license from the king, dated the 12th, was brought in and read, and the convocation was continued as a synod.

The letters patent differed from the previous ones in the power to sit and to continue during the king's pleasure, instead of during the present parliament.[186] Laud took occasion to mention the attack by the people, on the 11th, on his palace at Lambeth,[187] and a com-

[184] See Cyp. Ang. pp. 399—402; Nalson, I. pp. 361—363.

[185] "One of the clergy" (Heylyn himself) "had made the archbishop acquainted with a precedent in Queen Elizabeth's time" for the grant of a subsidy by the clergy, "without the help of parliament." Thirty-six members out of sixty-six protested that the continuance of the one after the dissolution of the other was without precedent. To quiet their scruples, a case was the next day submitted to some of the privy council and the judges. Fuller, XI. p. 364; Cyp. Ang. pp. 402, 403; Clarendon, Hist. Reb. I. pt. i. p. 204; Collier, VIII. p. 176; Lathbury, Conv. p. 246. For the king's letter on the subsidy, see St. Pap. Dom. Chas. I. CCCCLIV. 13.

[186] The letters patent are given in Nalson, I. p. 359, as and for the ones read on April 17th, with which they were, in fact, identical with this exception. "By virtue of this new commission," says Fuller, "we were warranted still to sit, not in the capacity of a convocation but of a synod, to prepare our canons for the royal assent thereto; thus was an old convocation converted into a new synod." Ch. Hist. XI. pp. 168, 169; St. Pap. Dom. Chas. I. CCCCLIII. 14, 15, 102.

[187] The synod met under the protection of a guard of the Middlesex trained bands. Cyp. Ang. p. 403. One Archer, a glover, was arrested and committed to the Tower, a warrant in the king's own hand being sent to the lieutenant to rack him at discretion, unless he made a clean answer to the questions proposed.

mittee of fourteen members of "the lower house of commons," as Nalson puts it, was chosen to consider the canons to be framed by the bishops, whom Laud requested to prepare a book of articles for common use at visitations, and also a form for the consecration of churches, chapels, and cemeteries.[188] On the 15th the opinion, given on the 14th, as to the legality of the continuance of convocation was probably read, and a message from the king was delivered by Sir H. Vane, secretary of the State, who then retired with Laud to deliberate with the king at Whitehall.[189]

On the 16th, the prolocutor presented Laud with the heads of certain canons agreed to by the lower house, and Laud discussed with the bishops certain questions of tithes, oblations, and fees, and of choosing churchwardens and parish clerks, which vexed the clergy. On the 18th a king's letter, dated the 17th, referring to his licence of the 12th, required the framing and passing of a canon to preserve the kingdom against all growth and increase of popery, and also of any heretical or schismatical opinions.[190] On the 19th the Bishop of Ely reported to Laud that he and two other bishops had

Archer was perhaps one of the ringleaders, and probably the last man racked in England. St. Pap. Dom. Chas. I. CCCCLIII. 41, 42, 61—65, CCCCLIV, 39, 53, 54, 81. The warrant is given in Jardine, p. 108. The train bands were the king's guard. St. Pap. Dom. Chas. I. CCCCLI. 107.

[188] Syn. Ang. sess. x. p. 32, ed. 1702; p. 182, ed. 1854. "Dimisso domino prolocutore, . . reverendissimus colloquium habuit cum confratribus suis, ut excogitarent imprimis de canonibus novis concipiendis, et deinde de veteribus canonibus percontandis et examinandis, ad effectum eisdem addendi, vel eos supplendi, si hujusmodi sacrae synodo expedire videatur." The synod affirmed the canons of 1603. Rit. Com. Rep. II. p. 592.

[189] "The opinion of the lord keeper, the judges, and others, of the king's council on the continuance of the convocation was as follows: The convocation being called by the king's writ under the great seal, doth continue until it be dissolved by writ or commission under the great seal, notwithstanding the parliament being dissolved. May 14th, 1640. John Finch, M. S. Custos, H. Manchester, John Bromston, Ralph Whitfield, Robert Heath, Edward Littleton, John Banks." The opinion said nothing of the validity or legality of the acts of a parliamentary convocation continuing to sit after the prorogation or dissolution of parliament. For the king's message, see Nalson, I. p. 365; Clarendon, Hist. I. pt. ii. p. 205; and on the action of convocation, St. Pap. Dom. Chas. I. CCCCL. 73.

[190] It also directed an oath to be framed to be taken by the clergy, binding them to constantly adhere to the doctrine and discipline established, and never give way to any innovation or alteration thereof. St. Pap. Dom. Chas. I. CCCCLIII. 102. See post, n. 197.

consulted with the lord chief justice of the common pleas concerning the expunging of certain words in the canon against recusants and the insertion of others more fit. On the 20th, the bishops debated, and agreed to the canon against Socinians, and the form of the oath, etc., introduced by Laud; both were then sent to the clergy house to be agreed to. On the 21st, a king's letter for a benevolence was read, and the bishops debated certain canons presented by the prolocutor concerning rites and gestures. On the 22nd, Laud discussed with the bishops the canon for the receiving the sacrament and the placing of the table. The Bishop of Gloucester protested, and objected to the authority of the synod for the making of canons, though he admitted its power to grant a subsidy. After the presentment of the book of articles and three canons sent down to and debated in the clergy house and some petitions, Laud and the bishops discussed the canons against sectaries, separatists, and other matters. On May 23rd, the book of visitation articles was debated and committed to the Bishops of Exeter and London, and finally, after four other sessions, the book of seventeen canons was, on the 29th, subscribed by Laud and fifteen bishops, *ex animo*, and by the Bishop of Gloucester, but only on a threat of deprivation.[191] They were confirmed by the king on June 30th following, and ordered to be kept in both provinces.[192]

[191] He was suspended by Laud the same day for refusing to say whether he had signed *ex animo* or no, and committed to prison, being released on taking the oath on July 10th. He afterwards resigned. St. Pap. Dom. Chas. I. CCCCLV. 53, CCCCLVI. 25, CCCCLIX. 36, CCCCLXV. 29; Laud, Hist. p. 58. The clergy also subscribed the canons. They were read in the York synod on June 8th. Wilk. Conc. IV. p. 553. See post, n. 197.

[192] Nalson, I. p. 374; Wilk. Conc. IV. p. 552; Card. Synod. I. pp. 380—389, 413—415. Lord Clarendon says the canons were debated at the council board for several days, but were then, by the unanimous advice of the council, confirmed by the king. Hist. Reb. I. pt. i. pp. 148, 205. The king deals with the question of the rites and ceremonies then so much objected to as contrary to law and introductive of popish superstitions, and says they "were not only approved of and used by those learned divines to whom, at the time of the reformation under King Edward VI., the compiling of the book of common prayer was committed, divers of which suffered martyrdom in Queen Mary's days, but also again taken up by this whole church under Queen Elizabeth;" and that, following the examples of King Edward VI. and "of Queen Elizabeth, who sent forth injunctions and *orders* about the divine service and other ecclesiastical matters," he had, according to the act in that behalf, and with the advice of the metropolitan and the ecclesiastical commissioners appointed under the great seal, given the convocations leave to treat on certain canons. Laud, Works, V. pt. ii. pp. 609—633.

39. Of the 17 canons:

Can. 1 affirmed the lawful and independent authority of the most high and sacred order of kings over the state ecclesiastical and civil to be of divine right and natural order. The care of God's church, the power to call and dissolve national and provincial councils being committed to kings.

Can. 2 provided for the keeping of the days of the king's inauguration.

Can. 3 and 4 dealt with popery and Socinianism.[193]

Can. 5 made provision against sectaries.

Can. 6 enjoined an oath to be taken against all innovations in doctrine, discipline, or government, and against bringing in the "popish doctrine" of subjecting the church to the "usurpations and superstitions of the see of Rome."

Can. 7 treated of the place of the table, communions at it, and the obeisance at going in and coming out of church.[194]

[193] The third canon "for the suppressing of the growth of popery" requires all ecclesiastical persons to use all possible care and diligence "to reduce all such to the Church of England, who are misled into popish superstitions." On this see St. Pap. Dom. Chas. I. CCCCLIII. 102.

[194] The 7th canon sufficiently and amply clears Laud and the convocations of all suspicion of sympathy with or leanings toward Rome, and is of decisive value. It speaks plainly and exactly of "popish superstition," of "that gross superstition of popery" which it was the design and work of the Reformation to "root out of the minds of the people, both the inclination thereunto and memory thereof, especially of the *idolatry committed in the mass*, for which purpose all popish altars were demolished;" and with the idolatrous worship and its altars there went, of necessity, both incident and accessory in ritual and ceremonial. And, instead of the idolatrous altar, "it was then ordered by the Injunctions and Advertisements of Queen Elizabeth of blessed memory" that the "holy tables" should stand where the altars stood, but "saving always the general liberty left to the bishop by law during the time of administration of the holy communion"; the table being called an altar only in the sense in which the primitive church so called it. To this table "all communicants with all humble reverence shall draw near and approach . . . there to receive," and the doing reverence and obeisance thereto was "according to the most ancient custom of the primitive church, in the purest times," and not meant as an act of worship to the table, the east, or church, or anything in the church, or to any corporal presence of Christ on the table, or in mystical elements, but only for the advancement of God's majesty.

In the formal deliberate opinion, then, of Laud, the whole body of bishops and clergy representatives of both provinces, popery was a gross superstition, the mass an idolatrous service, altars were abolished and illegal, and the Advertisements were the authoritative orders of Queen Elizabeth, of no less strength and

Can. 8 required conformity in preaching.

Can. 9 ordered one book of articles to be used at all parochial visitations.[195]

The conversation of the clergy, chancellors' patents, chancellors' censures, excommunication and absolution, commutations of penance, concurrent jurisdiction, marriage licences and vexatious citations were dealt with by the remaining eight.

40. In ritual and ceremonial the synod left matters very much as it found them. It formally condemned the gross superstitions of Rome and the idolatry of the mass, and declared the place of the table out of communion time to be a thing indifferent, but judged it fit that the practice of the

effect than her Injunctions. Whatever the legal value of these canons may be, they remain on record as the unanimous decision of the synods on the points touched upon; king, bishops, and clergy being all agreed. Ante, p. 369, n. 193.

[195] The letters patent having provided that the canons or things to be considered in the convocation should not be contrary to "the liturgy established *or the rubric in it*," the book of articles (prepared and made by the bishops "*out of the rubrics* of the service-book and the canons and warrantable rules of the church" for "the better settling of an uniformity in the outward government") has a special and authoritative interest. It was compiled by Heylyn, and, after discussion, was committed (as we have seen) to the bishops of Exeter and Oxford for examination. The orders in it (affirming the Advertisements) received the express and formal sanction of the king and metropolitan, as well as of the bishops and the clergy representatives of the synods of both provinces, and the order taken therein represents what was then supposed to be the actual legal rubrical and canonical requirements,—the lawful order, in fact, in matters of ritual and ceremonial. Heylyn placed in the margin before each article "the particular canon, rubric, law, injunction, or other authentic evidence upon which it was grounded." The book was first published for Bishop Juxon's visitation, and has come down to us. With the rubric and proviso known to and before it, the synod affirmed the order of Can. 58 of 1603, and enforced the surplice and hood as the one lawful use in saying the public prayers or ministering the sacraments and other rites of the church, whilst the gown was to be used in preaching. If the two lights, incense, the vestments, the eastward position, wafers and the mixed chalice were then lawful, the synod did not know it. The order in the book of articles was taken by the express authority of the king, both initial and final, and the equally express advice of the metropolitan and ecclesiastical commissioners (according to the act) as is set out in the letters patent confirming the canons, orders, ordinances, and constitutions treated of, concluded, and agreed upon by virtue of the king's authority. Ante, n. 192; Cyp. Ang. p. 413; Lathbury, Conv. p. 249; Rit. Com. Rep. II. p. 588; and see also the Articles of Bostock and White, id. pp. 595, 599.

cathedral or mother churches should be followed; whilst at communion the liberty left to the bishop by law remained intact. The use of a rail was ordered, not to receive at but, to preserve the tables from profanation.[196] The "obeisance" was heartily commended, and not commanded, but only as an act of worship to God "and no otherwise," and not to the east, the table, the church, or anything in it. These changes that had caused so much alarm and disorder were so disposed of and explained as to prevent, if possible, any objection being fairly taken to them.[197]

41. The king opened parliament in person. In the commons

[196] "We judge it fit and convenient, according to the word of the service book *established by parliament*, 'Draw near,' etc., that all communicants, with all humble reverence, shall draw near and approach to the holy table, *there* to receive the divine mysteries." Can. 7; ante, p. 369, n. 193; p. 391, n. 46; p. 392, n. 49. The chancel-rail allowed of the moving of the table, "the general liberty left to the bishop by law, during the time of administration of the holy communion" being expressly reserved.

[197] For the book of canons signed by Laud, the fourteen bishops, and eighty-nine clergy, see St. Pap. Dom. Chas. I. CCCCLV. 47. For Lambe's notes on them, Bishop Goodman's petition to the king, the objections made to the oath prescribed by the canons, and other particulars relating to the synod, id. 51—57, 94, CCCCLXI. 83—94, CCCCLXIII. 6, 54, 62, 70, CCCCLXIV. 13, 30, 73, CCCCLXV. 8, 12, 28, 67; Nalson, I. pp. 351—376; Rushw. III. pp. 1205—1209, 1187; Lingard, VII. p. 223; Nalson, I. pp. 495—500. Goodman thought he had "very hard measure" dealt out to him by the synod, and besought the king to grant him a fair hearing before such lay lords or others as the king might appoint. In July a copy of the book of canons was found nailed to the pillory at Ipswich, whilst a number of the clergy in London, Yorkshire, and other places decided not to take the oath, which, Clarendon rightly says, the synod had no power to enjoin. The king's troops quartered in Essex pulled down some communion rails, and moved the tables into the midst of the chancel; and Laud had the Bishop of Lincoln's reply to "A Coal from the Altar" called in by a warrant signed by himself and Lambe. St. Pap. Dom. Chas. I. CCCCLV. 51, 94, 134, CCCCLVI. 44, CCCCLXI. 24, 25, 32, CCCCLIII. 24, CCCCLXIII. 27, 33. 17,500 copies of the book of canons were supplied to the bishops. St. Pap. Dom. Chas. I. CCCCLV. 138. For Laud's own account of the convocation see Hist. pp. 79—83, 154, 155. For Dering's speech, St. Pap. Dom. Chas. I. CCCCLXIII. 11. Four injunctions were given, at some time, by the king concerning divine service, but they do not appear to have been enforced, for on September 30th, Vane wrote to Laud, by the king's order, that neither the canons nor the oath should be pressed on the clergy or candidates for orders until the convocation; and Laud appears to have given directions not to press any new ceremonies. St. Pap. Dom. Chas. I. CCCCLXVIII. 115, CCCCLXXIV. 60, CCCCLXVI. 20.

a committee of the whole house for religion was appointed on April 16th.[198] On the 17th, in the lords, an adjournment was moved to Saturday, because convocation sat on the morrow.[199] The same day,

[198] "It was," Laud wrote in his Diary, "called about the rebellion of Scotland." For the members summoned and the speeches, see Rushw. III. pp. 1114—1127; Nalson, I. pp. 293—317; Parl. Hist. II. pp. 528—542; H. of L. Journ. IV. pp. 45—54. A letter from the Scotch to the King of France was read on the 16th. This letter (of the eight earls) was never sent, but another, dated February 19th, not signed by Lord Loudoun, was. The calculations of the king and council that the appeal to the country against the Scots would meet with a ready response were wholly upset. Pym's great speech, before the vote of supply came on, created a profound impression both in the house and the country, and the hope of gaining the sympathies of either or both must have soon died away. The proposed war was looked upon as a civil war—"the bishops' war," as some termed it. Scotland, united under the same crown, had been guaranteed the enjoyment of its separate constitution and laws, and the resistance of the Scots to the attempt to force on them the Scottish service book, canons, and high commission met with much sympathy in England, where the fear of popery and the groundless belief that Laud was at work in favour of Rome, added to the serious constitutional grievances of the time, was already preparing the way for the events that so soon followed. From the moment that the Scots crossed the border, full of fervent expressions of loyalty to the king, the fate of Charles was sealed, and the struggle was thenceforth against the inevitable. It became, on his part, a war of defence. The Scots, said Conyers to Conway, passed the Tweed on August 21st, but he could not advise him to join (battle) with them except on a very great advantage. But he suggests, "if you can keep them short of provision but for a short time, they will at last devour themselves, and not be able to subsist long." And Conway writing to Vane said they were near 30,000, "a strong army and a hungry; it is likely that they will eat and fight devilishly, therefore an equal number of foot must wait on them, and such a number of horse as may keep them from foraging." But the Scots had made provision, they said, for a fortnight, and their "dear sisters of Edinburgh" had made a free gift of a canvas tent for every six soldiers, "that they should not spoil the hedges and groves of any in England." Clavering writing to Conway reported that 400 horsemen called at Whittingham and bespoke breakfast for the next morning, for which they paid, behaving civilly and singing psalms all the way there and back. Vane spoke of the country befriending them, for they said they came not to oppress any, but "were going to their good king with a petition in one hand desiring the establishing their religion, laws, and liberties . . . and with a sword in the other to defend themselves from their enemies who interposed between their king and them, and had kept them from being heard." See St. Pap. Dom. Chas. I. CCCCXLIII. 23, CCCCXLIX. 51—57, CCCCL. 60, 61, 74, 85—88, 94, 108, CCCCLXIV. 3, 41, 60, 61, 72, 78, 99, CCCCLXV. 16, 17, 19, 50; Cal. St. Pap: Dom. 1639—40, pp. viii.—xii.; 1640, i.—ii.

[199] It was not agreed to, because the high court of parliament was not subordinate to any other court. Journ. H. of L. IV. p. 56. For the order made, see Nalson, I. p. 323; H. of L. Journ. IV. p. 61. For the precedents extracted

in the commons, whilst (says Clarendon) men gazed upon each other looking who should begin, Mr. Pym, a man of good reputation, broke the ice, and spoke for two hours.[200] Amongst the grievances touched upon were the innovations in matters of religion.[201] On the 18th, a fast day was proposed. On the 22nd, a committee was appointed to consider Smart's petition and complaint against Cosin,[202] and the committee appointed the day before to view the commission lately granted to convocation made its report.[203] An act for the reformation of abuses in ecclesiastical courts was brought in on the 27th, and on the 29th bills concerning the hearing the word of God preached, the disposing of money received for commutation of penance, the granting administrations and disposition of unadministered goods, were brought in and read.[204] Nine resolutions were also come to on the head of innovations in matters of religion, Mr.

concerning convocation days, see St. Pap. Dom. Chas. I. CCCCLI. 9. Convocation sat from 8 or 9 to 11 a.m. on Wednesdays and Fridays, the House of Lords meeting only to receive bills from the commons. Ante, p. 371, n. 203.

[200] Hist. I. p. 133. Clarendon's statement is not exact. A Mr. Grimston is said to have spoken on the 16th on the grievances. Hist. Reb. I. p. 133; Rushw. III. p. 1128; Nalson, I. p. 319; and see St. Pap. Dom. Chas. I. CCCCL. 108, CCCCLI. 66, CCCCLXXII. 45.

[201] These were, an intention of a nuncio from the pope, the introduction of popish ceremonies (as altars, bowing to the east, pictures, crosses, crucifixes, and the like), the encouragement given to popery, the preaching popish tenets, the deprivation of ministers for not reading the book of sports, the high commission, the oath *ex officio*, and Mainwaring's appointment to a bishopric. Rushw. III. pp. 1133, 1135; Parl. Hist. II. p. 546.

[202] Smart was in prison, and the committee was to examine into the cause and by what authority he was committed. Journ. H. of C. II. pp. 8, 9, 14; Rushw. III. p. 1144; St. Pap. Dom. Chas. I. CCCCLXI. 28, 52; CCCCLXXII. 61, 62.

[203] The report was that the commission was not enrolled, but went direct by command from the king to the lord keeper; and it gave power to alter the old canons and to make new. The commons thereupon resolved to ask a conference with the lords "to prevent any innovation in matters of religion"; and a committee was appointed to prepare (which it did on the 24th) the "inducements for the conference," that concerning religion having five heads. On the 25th the lords assented to the conference, the king having promised that he would be as forward to prevent innovations as any, and would see that his archbishops and bishops took order accordingly. H. of L. Journ. IV. p. 68; H. of C. Journ. II. pp. 8, 9, 11, 13; Nalson, I. pp. 331—336; Rushw. III. p. 1144.

[204] Some few were read twice. Bills for clergymen not to be justices of the peace, and against non-residence and pluralities, were also brought in and read. Journ. H. of C. II. pp. 13, 16, 17, 18.

Pym to have charge of them in the conference with the lords, with power to the parties appointed to carry up the conference, to add more particulars as there should be occasion.[205]

In the lords, the phrase "catholic church" used in the book of common prayer appointed for the upper house was interpreted as not restrained to the place, as though there were no other church but the Church of England, but was "to be understood of the catholic faith professed by the Church of England."[206] The case of Dr. Mainwaring was also gone into, and he was ordered by the king not to attend parliament in person or by proxy.[207]

[205] The nine heads were: 1. Protestation against any canons binding the commons, or any commission granted without their consent. 2. The removal of the communion-tables in parish churches and college chapels and the placing them altarwise against the wall. 3. The setting up of crosses, crucifixes, and images in churches. 4. The receiving at rails before the table set altarwise. 5. The issuing visitation articles on the bishop's authority. 6. The depriving conformable ministers for not reading the book of sports. 7. The printing and preaching popish tenets contrary to the doctrine of the Church of England. 8. The bowing to the altar. 9. The restraining conformable ministers from preaching in their own charges. Journ. H. of C. II. p. 16; Rushw. III. p. 1147.

[206] Journ. H. of L. IV. p. 58.

[207] Id. pp. 58, 61, 71. The king had, as we have seen, met the complaints of the commons and the sentence of the lords by the defiance of a pardon and promotion. The two sermons preached (on July 4th and 29th) before him could not fail to give general and serious offence. The lawful sovereign was said to be no less than a "father, lord, king, and god on earth," above "all, inferior to none, to no man, to no multitude of men, to no angel, to no orders of angels," a power "not merely human but superhuman, and indeed no less than a power divine . . . a participation of God's own omnipotency," communicated "only and immediately to his own vicegerents"; and, though the king should order flatly against the law of God, yet were his power no otherwise at all to be resisted, but, for the not doing of his will in that which is clearly unlawful, to endure with patience whatsoever penalty his pleasure should inflict." By thus suffering "they should become glorious martyrs, whereas by resisting his will" they should be "traitors and impious malefactors." For the scriptures honoured "kings, angels, and priests," calling them gods. Serm. July 4th, pp. 4, 8, 10, 11, 18; July 29th, p. 23. The commons of England could hardly be expected to accept and acquiesce in the reduction of theories of the kind to practice, or to willingly submit their persons and property to be dealt with and disposed of at the mere will of the king, any more than they could agree to the "consideration" that parliaments were merely called "for the more equal imposing and more easy exacting of that which unto kings doth appertain, by natural and original law and justice, as their proper inheritance annexed to their imperial crowns," to wit, the right of requiring "tributary aids and subsidiary help" (Serm. July 4th, p. 26; ante, p. 395, n. 72, 73), seeing that kings were made for the people and not the people for kings.

On May 5th, the king dissolved the parliament.[208]

42. On the same day "the junto" decided for war with Scotland.[209] On the 17th, an order of the king in council directed that some two hundred "popish books" should be publicly burnt in Smithfield by the hangman,[210] whilst, on the other hand, one John Trendall, a mason, was haled before the high commission as "a blasphemous heretic," but left to the archbishop to proceed against him as ordinary.[211] On July

On May 28th, 1635, Laud had been written to from Oxford thus: "Thou hast sent forth another Pentecost at the time of Pentecost; since thou thyself art abundantly full of the divine spirit . . . Thou commandest us to look around if we wish any profit from the best and greatest on earth,—the king and thee." The letter was addressed "To your most sacred holiness." Another letter, dated July 9th, ran: "Forsooth, let us call thee father of our academy, leader, angel, archangel; is any title too much? We know thou art a cistern full of the divine munificence." On November 9th, 1640: "Certainly without the church, without thee, we cannot hope for safety, we wish not for comfort." St. Pap. Dom. Chas. I. CCCCLXXI. 47; but see Dering's speech and Wilson's petition for another view. Id. 49, CCCCLXXIII. 11, and also CCCCLXXIV. 1, and ante, n. 110.

[208] Id. p. 81. The king soon after published a declaration of the causes of the dissolution (Rushw. III. pp. 1154, 1160; Nalson, I. p. 345), but it scarcely touches the question of the innovations, merely repeating the promise of April 25th (ante, n. 202). See MS. entry book of proceedings in parliament; St. Pap. Dom. Chas. I. CCCCL. 94. See also No. 88, CCCCLI. 66, CCCCLII. 20, 29. The Earl of Northumberland wrote that the commons, had they been well advised, might in time have gained their desires; but going about it in so tumultuous a way they gave the king offence, and so he dissolved. St. Pap. Dom. Chas. I. CCCCLII. 33.

[209] St. Pap. Dom. Chas. I. CCCCLII. 31; Nalson, II. pp. 206—209; Clarendon, Hist. I. p. 149. The junto, or committee of state of the privy council, was called the "cabinet council," to distinguish it from the larger meetings of the privy council. It consisted of Laud, Strafford, Lord Cottington, and others.

[210] The books were, "Jesus psalters, invectives and rhimes against Luther and Calvin, Rhemish testaments, preparative prayers to the mass, manuals and other superstitious prayer-books and catechisms, such as by the law of the kingdom ought to be burnt." St. Pap. Dom. Chas. I. CCCCLIII. 105; Rushw. III. p. 1180; Nalson, I. p. 489.

[211] Archbishop Neile, of York, wrote to Laud on the matter, and referring to Legate's case, said the "punishment did a great deal of good in this church, I fear the present times do require a like exemplary punishment." Later on Neile details the proceedings against "the blasphemous heretic Wightman," burnt at Lichfield, when he was bishop. He refers Carleton for particulars to Laud, who was with him and assisted him in all the proceedings against Wightman "from beginning to end." Wightman, who was not orthodox in the matter of the

2nd, a high commission warrant went for the arrest of all persons procuring or permitting mass to be said, and also of all makers and sellers of any superstitious relics or monuments of popery.[212] On the 5th, the oath framed by the synod was ordered to be taken by the lords of the council, the bishops, the clergy, members of the universities, and all ecclesiastical persons.[213] On the 16th, Laud appointed certain "grave ministers," as ordered by Can. 13;[214] and about the same date Baily, a son of a late bishop of Bangor, was indicted at the assizes for an offensive sermon preached before the judges on circuit;[215] and some of the king's troops took away a statue of Christ and some cherubim and seraphim out of a church near Maldon, and burnt them. Later on, in September, two petitions (one from the citizens of London and the other from twelve peers) were presented[216]

Trinity, was put to the fire, but getting scorched and crying out he would recant, the people ran in and put out the flame. On a relapse, he was burned three weeks after, and "died blaspheming." Neile had been required by the privy council to certify the proceedings against Wightman, "there being now the like occasion to proceed against Trendall." He says he brought Wightman before the high commission, who left him to be dealt with by him as ordinary. Ante, p. 365.

Trendall was arrested by the mayor, and found to have expounded the scriptures in his house, to have said the Lord's prayer was not a prayer, and that Christ was "Lord and King of His Church which is His body," and to have refused the oath of supremacy. He was kept in prison at Dover for twenty weeks, and was then sent up to London, but in the changes that so soon came, escaped the pain of martyrdom and the peril of the stake. St. Pap. Dom. Chas. I. CCCCXXVI. 60, CCCCXXVII. 78, CCCCXXXII. 27, CCCCXXXVI. 15, CCCCXLII. 131.

[212] It was signed by Laud and the Bishop of Rochester, and was directed to all mayors, sheriffs, and justices. St. Pap. Dom. Chas. I. CCCCLIX. 15, CCCCLXXVI. 109.

[213] St. Pap. Dom. Chas. I. CCCCLIX. 38.

[214] They were to pronounce the sentence of excommunication and absolution when not done by the bishop in person. St. Pap. Dom. Chas. I. CCCCLX. 17, 19.

[215] The seizure of the abbey lands by Henry VIII., the non-payment of tithes, the corruption of the jurors, etc., were dilated on. By the judges' orders the indictment was moved into the king's bench. St. Pap. Dom. Chas. I. CCCCLXI. 32.

[216] Laud and the council tried to stop the presentation, but failed. The petitions asked the king to summon a parliament, and complained of "sundry innovations in matters of religion, the oath and canons lately imposed upon the clergy," and of the great increase of popery. Rushw. III. pp. 1260—1264; Nalson, I. pp. 436—438; Parl. Hist. II. p. 586.

to the king at York, and a popish plot against the king and Laud was said to be discovered.[217]

43. On November 3rd the Long Parliament met,[218] and the storm broke with great violence upon Laud, Wren, Cosin, and the Bishop of Bath and Wells first, and then on the other bishops.

Thirty-seven acts were passed. By one the Star Chamber was dissolved, the like jurisdiction in other courts repealed, and the authority of the king and privy council over the real and personal property of subjects taken away.[219] By another the high commission court and the oath *ex officio* were abolished, and all spiritual and ecclesiastical persons deprived of the power of fine, imprisonment, or corporal punishment for offences of ecclesiastical cognisance;[220] whilst a third provided that no one in orders should sit in parliament, be of the privy council, or a justice of the peace, nor use or execute any temporal commission whatever.[221] Parliaments were to be held every third year,[222] but the existing parliament was not to be dissolved, adjourned, or prorogued but by an act,[223] whilst provision was

[217] Nalson, I. pp. 467—480; Rushw. III. 1310—1327; Collier, VIII. p. 183; St. Pap. Dom. Chas. I. CCCCLXVII. 15, CCCCLXIX. 40; Cant. Doom. p. 459.

[218] The Canterbury convocation met the next day as usual, but that of York, owing to the death of the archbishop (Neile), did not probably meet. Nothing of any moment was done in the southern convocation; and Laud's impeachment and committal, on December 18th, put an end to all business. Cyp. Ang. p. 436; Fuller, XI. p. 172; Collier, VIII. p. 187; Lathbury, Conv. p. 266; Nalson, I. pp. 481—491; Rushw. III. pp. 3—19; St. Pap. Dom. Chas. I. CCCCLXVI. 11—13. For Laud's prayer for "the good success" of the parliament, see St. Pap. Dom. Chas. I. CCCCLXXI. 12; and for the Scotch instructions and terms, and the king's speech, id. 22, 23.

[219] 16 Car. I. c. 10; Journ. H. of L. IV. p. 298.

[220] 16 Car. I. c. 11. It repealed the 1 Eliz. c. 1, § 18, but it was in turn repealed by the 13 Car. II. c. 12, § 2, excepting as to the high commission court and the oath *ex officio*. And see 1 W. & M. sess. 2, c. 2; St. Pap. Dom. Chas. I. CCCCLXXVII. 14; and post, n. 349.

[221] 16 Car. I. c. 27. It was repealed by the 13 Car. II. st. 1, c. 2. The royal assent was given by commission on February 14th, 1642. Journ. H. of C. II. pp. 114, 167, 421, 430; H. of L. IV. pp. 259, 265, 580; Rushw. IV. pp. 276, 280—283, 553.

[222] 16 Car. I. c. 1. For the king's speech on the passing of this bill, see St. Pap. Dom. Chas. I. CCCCLXXVII. 29, 31; Journ. H. of L. IV. p. 163; H. of C. II. 87.

[223] 16 Car. I. c. 7. This unconstitutional act was set aside, without an act, by Cromwell in 1653.

made for the allotting and settling 2½ millions of acres out of the forfeited lands in Ireland.[224]

The usual committees, including the one for religion, were appointed.[225] Petitions on behalf of Prynne, Burton, Bastwick, Lilburn, and Leighton were presented,[226] and a number of speeches made. The encouragement of popery, the innovations of religion by the maintenance of Roman tenets and the use of Roman ceremonies, altars, images, crucifixes, bowings, etc., the preaching up the divine authority and absolute power of the king, the placing the table altarwise and bowing to it, the receiving at rails, the new canons, and the oath and book of articles, were amongst the many matters complained of.[227] On November 10th, Smart's petition and Dr. Cosin's preferments were referred to a committee.[228] On the 11th, Laud asked leave for himself and four other bishops to be excused that they might attend the convocation.[229] The commons sent to the Dean of Westminster on the 29th, intimating their wish

[224] 16 Car. I. c. 34, 35. A loan for the relief of the protestants was also granted by the 16 Car. I. c. 33. The egg with the "thike shell" hatched its chick,—rebellion. It broke forth in force on October 23rd, 1641 ("St. Ignatius' day"), and continued till September 15th, 1643. The 16 Car. I. c. 30 said that "since the beginning of the late rebellion in Ireland divers cruel murders and massacres of the protestants there have been and are daily committed by popish rebels in that kingdom." Sir W. Temple puts the numbers at 300,000, whilst the most moderate account makes "only 37,000 massacred in all the first year." See App. R.

[225] Journ. H. of C. II. p. 21.

[226] Nalson, I. pp. 499—503, 511—515; Rushw. IV. pp. 20, 74—82; Journ. H. of C. II. pp. 90, 124; St. Pap. Dom. Chas. I. CCCCI.XXI. 36, 37, CCCCLXXIII. 13, 71, CCCCLXXVIII. 85.

[227] Rushw. III. pp. 21—37; Nalson, I. pp. 505—511; St. Pap. Dom. Chas. I. CCCCLXXIII. 61, 67, 68, 86.

[228] Smart was still a prisoner in the king's bench; and an order was made for him to have copies of the records relating to his case, gratis. The committee were also to consider whether any member of convocation who was complained of to the house might not be sent for by the serjeant-at-arms. It was decided in the affirmative, and both Cosins and a Dr. Layfield were sent for as delinquents. The last was accused of placing the table altarwise, using rails, etc. The petition of a Mr. Wilson, who had been sequestered for four years for not reading the book of sports, was also presented. Journ. H. of C. II. pp. 25, 33, 35, 36, 39, 71, 100; Nalson, I. pp. 516—520; Rushw. IV. pp. 41, 53, 58, 83, 152; ante, n. 202.

[229] Journ. H. of L. IV. p. 88.

that the bread might be consecrated upon a communion-table, standing in the middle of the church, "according to the rubric."[230]

The new canons and the clergy subsidy were debated, and the resolutions of the House of Commons were afterwards voted verbatim by the lords.[231] The committee for inquiry after papists reported 64 priests and Jesuits discharged in one year out of Newgate and the Clink, and 74 letters of grace in seven or eight years and £4080 fines levied on recusants in thirteen years.[232] On December 12th, three "parsons" were sent for as delinquents upon the petition of certain parishioners.[233] On the 17th, the Scotch commissioners exhibited their complaints against Laud,[234] and the next day the

[230] The dean replied that he would readily do it for them or any parishioner "in his diocese." Journ. H. of C. II. p. 32; Rushw. IV. p. 53.

[231] The resolutions of the commons were voted on December 15th and 16th, and passed the lords on June 12th following. They were four in number, and to the effect: 1. That the clergy, whether in convocation or synod, could not make any constitutions or canons to bind the laity in doctrine, discipline, or otherwise, without the consent of parliament. 2. That the canons of 1640 were not binding on the laity. 3. That they contained many things contrary to the prerogative, the laws of the realm, the right of parliaments, the property and liberties of the subject, and were of dangerous consequence. 4. That the grant of the benevolence was contrary to law, and not binding on the clergy. See 13 Car. II. c 12, § 5.

On August 4th, 1641, the impeachment of Laud and twelve bishops was carried up to the lords. On December 7th, another form was presented, containing the amended charges of treason against them in respect of the canons. Journ. H. of C. II. pp. 232, 234—236, 254, 296, 333, 363; H. of L. IV. pp. 340, 358, 363, 436, 465. On December 30th, the Archbishop of York and eleven other bishops having addressed a petition to the king and parliament, the commons ordered their impeachment, and they were at once committed. Journ. H. of C. II. pp. 362, 363; H. of L. IV. pp. 497—499, 503, 511, 519, 521, 597; Rushw. IV. pp. 100—112, 359, 466—469, 497; Nalson, II. pp. 285, 418, 443, 449, 484, 495, 497, 500, 503, 613, 614, 641, 645, 691, 711, 717, 718, 731, 794, 796, 797, 799, 812, 836, 882, 883; Wilk. Conc. IV. p. 553; Collier, VIII. p. 189.

[232] Journ. H. of C. II. p. 41.

[233] The offences were innovations in the church. Journ. H. of C. II. p. 50; Rushw. IV. pp. 97, 98.

[234] The "novations in religion" are said to be the true cause of their troubles. They were (in addition to the book of ordination and homilies): 1. Particular alterations in matters of religion, against law and the form established in the kirk. 2. The new book of canons. 3. The liturgy. Nalson, I. pp. 681—686; Rushw. IV. pp. 113—118. See Laud's reply to this, Hist. pp. 87—143. Laud there explains his views as to the use of the word "altar," the place of the table at communion, the kneeling at communion ("the priest with us makes no elevation"), the fact that he did not approve of the gestures and ceremonies of the

commons, sending up a message to the lords impeaching Laud of high treason, he was called to the bar as a delinquent, and committed to the custody of the gentleman usher.[235] On the 19th, the commons accused Bishop Wren of "setting up idolatry and superstition in divers places, and exercising and acting some things of that nature in his own person."[236] On the 23rd, the Vice-Chancellor of

mass, nor had ordered them in the service book, his utter condemnation as grossly superstitious of the fiction "that Christ is received in the sacrament *corporaliter*, both *objective* and *subjective*," or that the priest "offers up that which Christ Himself did, and not a commemoration of it only," his abhorrence of "low mass," etc. Perhaps few men have been more misrepresented than Laud. Whatever toleration he may have given to members of the Roman party, he certainly had none for the Roman "superstition." That he "ever wished and heartily prayed for the unity of the whole Church of Christ, and the peace and reconciliation of torn and divided Christendom," and for such a reconciliation "as might stand with truth and preserve all the foundations of religion entire," is no doubt true; but he saw that if England and Rome were to meet, it could only be by the latter "forsaking of error and superstition." Whatever Laud's faults or mistakes may have been, they were those of a blind but honest man. He was, like many others before him, a martyr to his honest convictions and a sincere belief in a policy which was not less fatal to his country than himself. And the same may be said of the king, whose view of the first principles of constitutional government and of the rights, duties, power, and prerogative of kings led him, at a time when life's delusions are apt to vanish, to regard himself as "the *martyr* of the people," whose liberty and freedom consisted in "having government under those laws by which their lives and their ways be most their own. *It is not in having a share in the government, that is nothing pertaining to them.* A subject and a sovereign are two different things." Heath. Chron. p. 219; Eng. Black Trib. p. 48; Hist. pp. 104, 117, 118, 120—124, 156, 159, 163; Rushw. III. p. 1326. Upon the false charges made against Laud of altering or interpolating the prayer book, see Card. Conf. p. 229; Lathbury, Conv. p. 271.

[235] The fourteen articles of impeachment were carried up by Pym to the lords on February 26th, 1641, whereupon Laud was committed to the Tower, and his ecclesiastical offices sequestered on October 23rd following. His trial began on May 12th, 1644, and he was beheaded on January 10th, 1645, protesting his innocence of the two charges which made up the treason,—"an endeavour to subvert the laws of the land and to overthrow the true protestant religion established by law." Hist. pp. 220—453; Journ. H. of C. II. p. 54; H. of L. IV. pp. 112, 172, 173; Rushw. IV. pp. 195—202; Fuller, XI. pp. 215—219; Collier, VIII. pp. 190, 268—280; Cyp. Ang. pp. 436—439, 482—508.

[236] There were twenty-five articles, all relating to church and ecclesiastical matters. The placing the communion table altarwise under the wall at the east end; the raising the chancel two, three, or four steps; the keeping the table there at communion so that the minister was forced to stand at the north end, instead of the north side, or else after the popish manner at the west side with his back to

Oxford and the Bishop of London's chaplain were called to the bar as delinquents;[237] and on the 24th, the commons accused Pierce, the bishop of Bath and Wells, of "heinous misdemeanours tending to the subversion of the true religion."[238]

44. A.D. 1641. On January 12th, a Kentish petition was presented to the commons against the bishops.[239] On the 13th, a congregation of over sixty persons who had met on a Sunday afternoon being taken by the parish constable and churchwardens, the king notified the fact to the lords, who, on the 16th, passed an order

the people; the setting up of rails on the top of the steps; the enjoining in 1636 the receiving at the rails, the minister kneeling within the rails to deliver the bread; the bowing towards the east; the suspension or deprivation of some fifty ministers for not observing the illegal innovations, or reading the book of sports; the command in 1636 to all ministers to preach in their hood and surplice, "a thing not used before in that diocese"; the eastward position, and the elevation of and bowing to the elements,—were amongst the offences charged. Wren justified the placing the table altarwise by quoting the queen's Injunctions, adding "these Injunctions are allowed and confirmed by the queen's Advertisements, and those Advertisements are authorised by law, 1 Eliz. c. 2, sect. penult.," and the use of the surplice on the ground 1. of decency and convenience; 2. for an uniformity; 3. for conformity to the law itself, which required the minister to wear a surplice at *all* times of his ministration, which he considered included preaching, the sermon being brought in as part of the divine service. He denied ordering, in 1636, the railing-in of communion-tables, or that he accounted the place too holy for the people, but said that at Yarmouth, where Laud's vicar-general had enjoined the setting up of rails, he had directed the table to always stand without and beneath it, and that generally he intimated that the "communion-table ought and should, upon any due occasion, for more convenient hearing or communicating, be removed, not only at the communion time, but at other times when there was no communion"; and he instanced the case of St. Edmundsbury, Lavenham, and other places. Parentalia, pp. 14, 75—77, 79, 91—93; Fragm. Illus. p. 55; Journ. H. of C. II. pp. 54, 56; H. of L. IV. pp. 112, 321; Rushw. IV. pp. 123, 133, 139, 158, 351—355; Nalson, I. pp. 395—403. The clergy then wore, as their everyday out-of-doors dress, their gowns and cassocks, but in their journeys a priest's cloak, as directed by Can. 74. Hence Wren's direction to preach with his surplice and hood over the gown.

[237] Journ. H. of C. II. p. 57; Nalson, I. p. 700.

[238] A committee had been appointed to receive petitions that concerned the bishop. He gave bail for £10,000. Journ. H. of C. pp. 117, 118; Nalson, II. p. 413.

[239] A petition from London and several counties had been presented on December 11th, 1640. A minister's petition was presented on January 23rd. The London petition is said to have had 15,000 signatures, and one of the county petitions the signatures of 700 presbyters. Collier, VIII. pp. 188, 190; Rushw. IV. pp. 93—97, 135, 145; Nalson, I. pp. 661—665, 721, 728, 735, 773.

"that divine service be performed as it is appointed by the acts of parliament of this realm . . . . and that the parsons, vicars, and curates in the several parishes shall forbear to introduce any rites or ceremonies that may give offence otherwise than those which are established by the laws of the land."[240] On the 22nd, the committee on Smart's case made their report;[241] and, on the 23rd, a Dr. Chaffen was called to account by the commons for a sermon preached in Salisbury cathedral,[242] whilst commissions were ordered to be sent into all counties "for the defacing, demolishing, and quite taking away of all images, altars, or tables turned altarwise, crucifixes, superstitious pictures, monuments, and relics of idolatry out of all churches and chapels."[243] On the 25th, the king, in a speech to both houses, said that he would willingly and cheerfully concur with them in the reformation of all innovations both in the church and state, his intention being "clearly to reduce all things to the best and purest time, as they were in the time of Queen Elizabeth."[244]

[240] Journ. H. of L. IV. p. 133; Nalson, I. p. 727; Rushw. IV. p. 728. The accused were called in, and the order having been read over to them, were admonished and discharged.

[241] The committee held that the proceedings in Smart's case were illegal and unjust, and that *Cosins* and the other prosecutors should make him amends. Also, that *Cosins* was guilty of superstitious innovations in the church, and not fit to enjoy any ecclesiastical promotion. Twenty-one articles were framed and presented to the lords against him. Cosin, in his answer, denied the use of "the eastward position," and said "he constantly stood at the north side or end of the table, to read and perform *all* parts of the communion service there," saving that, owing to the length of the table, some seven feet, he might perhaps have gone to the east side to reach and consecrate the elements, but he did not remember having done so for some twelve years. This difficulty would no doubt arise by the placing and keeping the table altarwise, having its sides east and west and its ends north and south. The commons presented their impeachment of Cosin to the lords on March 15th. Journ. H. of C. II. pp. 51, 52, 95, 129, 333; H. of L. IV. pp. 190, 192, 210, 211, 313, 325, 332; Rushw. IV. pp. 145, 152, 203, 208—211; Nalson, I. pp. 567, 728, 789; Fuller, XI. p. 173, where he condemns Cosin; Collier, VIII. pp. 195—197; I Cosin, Corr. p. 190; High Com. Court at Durham, p. 218; Works, IV. p. 393. On March 20th Cosin was permitted to give bail together with fourteen others, and Smart was released.

[242] He had spoken disrespectfully of the house, and had to retract and apologise on his knees at the bar of the house. Journ. H. of C. II. pp. 72, 94; Nalson, I. p. 782; Rushw. IV. pp. 152, 202.

[243] Rushw. IV. p. 153; Journ. H. of L. II. p. 72; Nalson, I. p. 735.

[244] For the speech see Rushw. IV. p. 154; Nalson, I. p. 735; Journ. H. of L. IV. p. 142.

On February 12th, the lords' committee reported on a petition presented to the house against Dr. Pocklington. They found him "both by his practice and doctrine to be a great instrument and introducer of innovations in the church . . . . In his practice he hath been very superstitious and full of idolatry, as bowing to the altar and using many other gestures and ceremonies in the church not being established by the laws of this realm, whereby he is guilty of things which, by the common law, he is to be deprived for." For his "seditious and dangerous doctrine" he was sentenced by the house to be prohibited the king's court, be deprived of all his livings, dignities, and preferments, and to be disabled from holding any place or dignity in the commonwealth. His books, the *Altare Christianum* and another, to be burnt in London and at the universities by the common hangman.[245] On the 23rd, the lords disposed of a petition against Hugh Reeve, clerk, finding him guilty of the charges brought against him, and sentencing him to be deprived of all his offices and livings, and an honest man put in his place.[246]

[245] The seditious and dangerous doctrine complained of was the saying that altars are God's throne, and to be bowed to; that the Eucharist is the host and a corporal presence therein; that there is in churches a *sanctum sanctorum*; that the canons of the church were to be obeyed, without looking at them; and the abuse of the martyrs and reformers, who were styled heretics and rebels. Bray, who was Laud's domestic chaplain, and had on February 21st, 1636, licensed the *Altare Christianum* (a work of some 194 pages), was called on March 12th to the bar of the lords as a delinquent, and having made his submission was ordered to make a public recantation of his opinions at St. Margaret's, Westminster. Journ. H. of L. IV. pp. 161, 183; Rushw. IV. pp. 188, 207; Nalson, I. pp. 774, 778, 787, 797. Pocklington, however, taught, with Bishop Montague, that the sacrifice of the altar was "a sacrifice, not propitiatory as they call it, for the living and the dead; not an external, visible, true, and proper sacrifice, but only a representative, commemorative, and spiritual sacrifice;" and held that the church condemned the "sacrifice of masses, because the common opinion held of them was that they were propitiatory, external, visible, true, and proper sacrifices for the quick and dead," and not merely "representative, commemorative, and spiritual sacrifices," or, as he says, "a memory of a sacrifice we grant, but grant we will never that Christ, made of bread, is sacrificed." And with reference to the spiritual sacrifice the table is called an altar. He sets out nine points of difference and grounds on which the Church of England condemned "the popish mass." Alt. Christ. pp. 130—132. The view put forth appears to be very much that of Laud, Montague, and the other members of the Anglo-catholic school.

[246] He was found guilty of divers articles set out in the petition of a parishioner, one of them being the "maintaining that the bread and wine after consecration was turned into the very body and blood of Christ." Journ. H. of L. IV. p. 170.

On March 1st, the lords ordered "that every lord bishop in his particular diocese shall give directions and take care that the communion-table in every church in his diocese doth stand decently, in the ancient place where it ought to be by law, and as it hath done for the greater part of these threescore years past."[247] On the same day they also appointed a committee of 30 peers and 10 bishops "to take into consideration all innovations in the church concerning religion."[248] On the 9th, upon the Strafford report being debated, the bishops withdrew, "it being *agitatione causae sanguinis*."

45. The committee appointed on March the 1st met on the 12th, and the sub-committee noted eighteen matters alleged to be innovations in doctrine and twenty-one in discipline,[249] and added a memorandum on three other matters, and 35 considerations for amending the prayer-book. Amongst the innovations in discipline we find

1. "The turning of the holy table altarwise and most commonly calling it an altar.

2. "Bowing towards it, or towards the east, many times with three congees, but usually in every motion, access, or recess in the church.

3. "Advancing candlesticks in many churches upon the altar so called.

4. "In making canopies over the altar so called, with traverses and curtains on each side and before it.

[247] Journ. H. of L. IV. p. 174. Both houses passed a like resolution on September 8th following. Id. p. 392.

[248] On the 10th, the house gave the committee power to send for "what learned divines" they pleased, naming Archbishop Usher and Drs. Prideaux, Warde, Twiss, and Hacket. Sanderson, Brownrigg, Burgess, White, Marshall, Calamy, and Hill are also said to have been added. A meeting of such persons, added to the Bishops of Winchester, Chester, Lincoln, Sarum, Exeter, Carlisle, Ely, Bristol, Rochester, and Chichester, could not fail to give authority and weight to the measures they advised, and to their opinions upon the legality of the practices complained of as innovations. Journ. H. of L. IV. pp. 174, 197, 201, 207, 210; Card. Conf. pp. 238, 239, 270—277.

[249] They were plainly "nothing more than a collection of alleged innovations noted for enquiry, or (as Neal says) 'for the debate of the committee,'" which never made any report, and sat but four or five times. It appointed a sub-committee to prepare matters for the committee's cognisance, but the "root and branch" bill of May "cut off all the threads of the proceeding." See Lord Selborne's Notes, pp. 31—42, where the matter is fully and carefully gone into, and see St. Pap. Dom. Chas. I. CCCLXXIV. 24.

5. "In compelling all communicants to come up before the rails, and there to receive.

6. "In advancing crucifixes and images upon the para-front, or altar-cloth, so called.

7. "In reading some part of the morning prayer at the holy table when there is no communion celebrated.

8. "By the minister turning his back to the west and his face to the east when he pronounceth the creed or reads the prayers.

9. "By reading the litany in the midst of the body of the church in many of the parochial churches.

10. "By pretending for their innovations the Injunctions and Advertisements of Queen Elizabeth,[250] which are not in force but by way of commentary and imposition; and by putting to the liturgy printed 'secundo, tertio Edw. VI.,' which the parliament hath reformed and laid aside.

11. "By offering bread and wine by the hand of the church-wardens and others before the consecration of the elements.

12. "By having a *credentia*, or side-table, besides the Lord's table for divers uses in the Lord's Supper."

Offertories before the communion distinct from alms for the poor, prohibition of expounding the catechism, suppressing of lectures and of a direct (or bidding) prayer before sermon, singing the *Te Deum* in prose, introducing Latin service at Oxford, standing up at the hymns and the *Gloria Patri*, carrying children to the altar from the font, and taking down galleries in churches, were the remaining innovations complained of."[251]

46. A proposal was also made for consideration "whether the rubric should not be mended, where all vestments

[250] The suggestion in the paper of the sub-committee is not that either the Elizabethan Injunctions or Advertisements were not in force. The canons of 1603 had dealt with many of the more important matters treated of, and to that extent had superseded them; but the Advertisements and Injunctions still remained in force "by way of commentary and imposition."

[251] Amongst the innovations in doctrine we find the teaching 6. "That there is a proper sacrifice in the Lord's Supper, to exhibit Christ's death in the post fact, as there was a sacrifice to prefigure in the old law in the ante fact, and therefore we have a true altar." 7. "Prayer for the dead, as Mr. Brown in his printed sermon." 9. "The lawfulness of monastic vows." The maintenance of the opinion that the priest's alsolution "is more than declaratory" was also noted. This may perhaps refer to Adams' sermon at Cambridge. Collier, VIII. p. 120; St. Pap. Dom. Chas. I. CCCLXXXV. 68.

in time of divine service are now commanded, which were used 2 Edw. VI."[252]

On May 3rd, the commons made a protestation against the "divers innovations and superstitions brought into the church."[253] On the 12th, the house defined the sentence, "the true reformed protestant religion, expressed in the doctrine of the Church of England against all popery and popish innovations within this realm," to mean the public doctrine professed in the said church so far as it is opposite to popery and popish innovations.[254]

On June 15th, they resolved that "all deans and chapters, archdeacons, prebendaries, chanters, petty canons, and their officers shall be utterly abolished and taken away out of the church."[255] On September 1st, an order was made for the suppression of innovations and for the preservation of public peace. It was read in the lords on the 8th, and the three first resolutions passed as altered.[256] On

[252] If the order of the rubric had been intact and in force, and not in some way or other broken, there would have been no need to mend it; the proposal to do so implied a want, from some cause or another, of amendment, and the reference to the vestments indicates the direction in which the amendment was needed. As a fact, the rubric did need to be mended, and to be brought into harmony with the existing law. As it stood it was misleading, for it appeared to prescribe generally the use of a plain white alb with a vestment or cope for the priest at communion, and albs with tunicles for his assistants. The canons, on the other hand, set that order aside, and adopted and enforced that of the Advertisements, directing the use (in cathedrals and on "principal feast days") of a decent cope for the minister, and copes for the epistoler and gospeller agreeably. The plain white alb and the tunicles had disappeared. The rubric and canons were thus in seemingly direct conflict, hence the suggestion. On June 12th, 1627, the chapter at Durham ordered the three *vestments* (or chasubles) and one white cope belonging to the vestry of the church to be taken to London to be *altered* into fair and large *copes according to the canons* and constitution of the Church of England. 1 Cosin, Corr. p. 170. Mr. Perry says the committee proposed "that the rubric with regard to vestments should be *altered*," but this is scarcely correct. To alter is one thing and to mend is another. The rubric had been already altered as to its meaning; it needed only amendment as to its form. Lawf. Ch. Orn. p. 413; Hope, Worship, p. 100; ante, p. 327.

[253] The lords gave their assent the next day. Journ. H. of C. II. pp. 132, 133, 145; H. of L. IV. p. 233; Rushw. IV. pp. 241—248, 273; Nalson, I. pp. 810—817.

[254] Journ. H. of C. II. p. 145; Rushw. IV. p. 273; Nalson, II. p. 241.

[255] Journ. H. of C. II. p. 176; Rushw. IV. pp. 269—273, 285—290; Nalson, II. pp. 240, 282—285.

[256] Journ. H. of C. II. p. 279; H. of L. IV. p. 392; Rushw. IV. pp. 385, 386; Nalson, II. pp. 475, 482—486. They were: "1. Where there are rails

December 1st, the lords voted that superstitious tablets and books, as "missals, primers, and offices of our Lady," etc., should be burnt by the sheriff in Smithfield; and the case of one Gerard Poole, upon whom was found in a box divers wafer cakes, "such as are used in the mass," was considered, and the house desired that he be proceeded against according to the laws of the kingdom.[257] On the same day the petition and remonstrance of the lords and commons on the state of the kingdom was presented to the king at Hampton Court.[258] On the 10th, the king issued a "proclamation for obedience to the laws ordained for the establishing of the true religion in this kingdom of England."[259] On the 30th, the Archbishop of York and eleven bishops signed a petition and protestation as to their right to

already, they are to be removed with the communion tables; but where there are none, they shall not be enforced on any; and that all steps in the chancels, raised towards the altar within these fifteen years last past, shall be levelled. 2. That crucifixes, scandalous pictures of any of the persons of the Trinity, are to be abolished, without limitation of the time since their erection; and all images of the Virgin Mary that have been set up within twenty years. 3. For the ceremony of bowing at the name of Jesus, it shall not be enjoined nor prohibited to any man." Mr. Perry writes of "the refusal of the House of Lords to join in the late order of the commons," and attributes it to the presence of the bishops. Lawf. Ch. Orn. p. 419. On the 9th the lords voted the printing and publishing of the order of January 16th, 1640, six peers dissenting on the ground that the consent of the commons in those things which concern so nearly the quiet and peace of the church should be obtained. Journ. IV. p. 395; Rushw. IV. p. 387; Nalson, II. pp. 484, 485. See n. 268.

[257] Journ. H. of L. IV. p. 457.

[258] Journ. H. of C. II. p. 330; Rushw. IV. pp. 436—453; Nalson, II. pp. 615, 664, 689, 692—706, 709, 710, 743—750. The remonstrance contained 206 clauses, and was a summary of grievances, civil and religious. Another petition and remonstrance was presented by both houses on the 16th, in reply to the king's speech of December 14th. Journ. H. of C. II. p. 345; Rushw. IV. pp. 457, 458.

[259] In it the king charged and commanded: "That divine service be performed in this his kingdom of England and dominion of Wales as is appointed by the laws and statutes established in this realm, and that obedience be given by all his subjects, ecclesiastical and temporal, to the said laws and statutes concerning the same. And that all judges, officers, and ministers, ecclesiastical and temporal, according to justice and their respective duties, do put the said acts of parliament in due execution against all wilful contemners and disturbers of divine service, contrary to the said laws and statutes." And the king further ordered: "That no parsons, vicars, or curates in their several parishes shall presume to introduce any rite or ceremonies other than those which are established by the laws and statutes of the land." Rushw. IV. p. 456; Nalson, II. p. 730; see App. A, T.

sit and vote in parliament, and the next day were ordered to be committed to the tower.[260]

47. A.D. 1642—1660. On January 3rd, the king sent the mace with a message and an order to arrest the five members, and went the next day in person to demand them, but found "all the birds" were "flown," and so went his way amid much disorder and cries of "privilege." On the 5th, the commons met with locked doors, and the king went to the city in fruitless search.[261] On the 11th, the lords took order with the sheriffs of London and Middlesex for the guarding the houses of parliament.[262] On the same day some 4000 "knights, gentlemen, and freeholders" of Bucks rode up to town to petition the king concerning their member, John Hampden; a petition from the city of London concerning the king's going to the commons was also presented.[263]

On February 14th, the royal assent was given to the act depriving bishops of their seats in parliament.[264] On the 19th, parliament besought the king "to behold the miserable perishing condition of all" his kingdoms.[265]

On March 16th, the king announced his removal to York, and required that no one should be called upon to obey any act, order, or injunction to which he had not given his assent.[266] On August 25th, he set up his standard at Nottingham, ordering all who could bear arms to repair to him there, and the civil war began.

48. On June 12th, 1643, an ordinance passed the parliament

[260] Two, the Bishops of Durham and Lichfield, were committed to the care of the gentleman usher. Five sees were vacant, Laud was under arrest, and some were in the country. Collier, VIII. p. 231; Rushw. IV. pp. 466—471; Journ. H. of C. II. pp. 362, 363; H. of L. IV. pp. 496—499; Nalson, II. pp. 794—800, and p. 897 for the "Vox Populi," a ballad against the bishops and the book of common prayer.

[261] Journ. H. of C. II. pp. 367, 368; Nalson, II. pp. 811—829; Rushw. IV. pp. 473—480.

[262] Journ. H. of C. II. pp. 371, 372; Nalson, II. p. 883. The king's guard was rejected. The lords also ordered a guard for the Tower. Journ. H. of L. IV. p. 507.

[263] The king in reply waived his former proceedings. Nalson, II. pp. 841, 842.

[264] Journ. H. of L. IV. p. 580; Rushw. IV. p. 553.

[265] Journ. H. of C. II. p. 443. Twelve mischiefs and twenty-five remedies were set out.

[266] Id. p. 481; H. of L. IV. p. 647.

for calling an assembly of laymen and divines to meet, on July 1st, upon the summons of the clerks of both houses, in Henry VII.'s chapel at Westminster. They were to sit from time to time, and be dissolved in such manner as by both houses of parliament should be directed, and to treat and confer concerning the liturgy, discipline, and government of the Church of England and its doctrine, as should be proposed to them by both houses of parliament.[267] On August 28th, an ordinance directed all altars and tables of stone to be taken away and abolished, the communion tables to be moved from the east end and put in some other fit place or in the body of the church or chancel, all rails to be taken away, and all chancels raised during the past twenty years to be levelled as they were before that time; all tapers, candlesticks, and basons to be removed, and all crucifixes, crosses, images and pictures of one or more persons of the Trinity or of the Virgin Mary, with all superstitious inscriptions, to be defaced before November 1st following.[268]

49. On January 3rd, 1645, both houses abolished the book of common prayer, and ordered "the directory" (as annexed to the ordinance) to be used in every place of worship in England and Wales.[269] In 1646, archbishops and bishops were abolished, and their lands directed to be sold.[270] On December 7th of the same year the commons ordered 600 copies of the "Advice of the Assembly of Divines" to be printed for the use of both houses and of the assembly.[271]

[267] There were 10 peers, 20 laymen, mostly M.P.s, Archbishop Usher and the Bishops of Exeter and Bristol, and apparently 44 clergymen and 74 laymen, with Dr. Twiss as prolocutor. Scobell, p. 42.

[268] The ordinance did not extend to coats of arms or tombs. It was followed on May 9th, 1644, by another to the same effect, and including in its range copes, surplices, superstitious vestments, roods and rood lofts, holy water fonts, and organs. Scobell, pp. 53, 69; ante, n. 256.

[269] Scobell, I. pp. 75—92, where "the Directory" is to be found under 15 heads. It was ordered to be printed and published on March 13th. Penalties of £5, £10, and a year's imprisonment were, on August 23rd, affixed to using the common prayer a first, second, or third time. Scobell, I. p. 97.

[270] Scobell, I. pp. 99—113, 115.

[271] It is divided into thirty-three chapters, and is signed by the prolocutor and four others. There was also an answer of the assembly printed in 1645 to some objections of their dissenting brethren, which the lords ordered on February 24th, 1646, to be printed.

On June 8th, 1647, festivals and holydays were done away with, but days of recreation were allowed to scholars, apprentices, and other servants.[272] On February 9th, 1648, churchwardens were ordered to be chosen yearly by the parishioners, who were to make rates for the repair of the parish churches or chapels and for the relief of the poor.[273] On May 2nd, anyone maintaining the various heresies set out was to be committed without bail and indicted for felony, and in case of relapse to suffer death without benefit of clergy. For other and minor heresies the offender was to be committed until he found sureties for his orthodoxy.[274] On August 29th, the form of church government to be used in the "Church of England and Ireland" was ordered by the lords and commons to be printed.[275] On September 20th, an ordinance required all books and pamphlets to be licensed, and the press was placed under the strictest control.[276]

50. On April 20th, 1653, Cromwell anticipated the intended dissolution, on November 3rd, 1654, by dissolving what remained of the Long Parliament which, since February 6th, 1649, had sat alone, it having on that date, by 44 votes to 29, abolished the some half-dozen peers (whose meetings were supposed to represent the House of Lords) as "useless

[272] Scobell, I. pp. 128, 143. The second Tuesday in each month was the recreation day or bank holiday. Stage plays and interludes were suppressed on October 22nd and February 11th, 1647, actors to be punished as rogues; but the stage was not very refined or conducive to public morality.

[273] Id. pp. 139—142.

[274] Id. p. 149. On August 9th, 1650, certain "atheistical, blasphemous, and execrable opinions" were ordered to be punished by six month's imprisonment, and for a second offence, banishment, returning without license being made capital. Id. pp. 125, 126. Severe penalties were ordered for breaking the sabbath, whilst incest, adultery, and immorality were made capital offences. Id. pp. 121, 122. The puritans, like the New Englanders, do not appear to have learnt toleration from their past sufferings, nor to have been willing to grant to others that liberty of conscience which they had claimed for themselves.

[275] Id. pp. 165—180. It was published in a small quarto of 46 pages, but is given in Scobell.

[276] Id. II. pp. 88, 230. All books and pamphlets had to be licensed, and the regulations were wholly fatal to the liberty of the press.

and dangerous."[277] Sir P. Wentworth then heard for the first time "unbecoming language given to the parliament," for Cromwell had interrupted the debate with a speech, not by any means soothing in its nature or terms. He pointed out that they had no longer "a heart to do anything for the public good," and that the "Lord had done with them." And when Wentworth, startled at so unusual an apparition, at last found words to express his surprise at what he heard, all "the more horrid in that it came from their servant, whom they had so highly trusted and obliged," the servant put an end to his prating, and giving the signal, ordered them all to be "gone and to give place to honester men," and so they were forthwith turned out of doors by the troops.[278]

51. On July 4th, the parliament summoned by Cromwell met, dissolving itself on December 12th following.[279] On

[277] On the 7th it did away with the monarchy as "unnecessary, burdensome, and dangerous to the liberty, safety, and public interest of the people, and therefore to be abolished." For the acts, see Scobell, pt. ii. pp. 7, 8, cap. xvi. xvii. Six of the judges refused to accept of new commissions, and the others remained only on the express declaration that they were to proceed according to "the fundamental laws of the nation for the good of the people." See Parl. Hist. III. pp. 1382, 1286, 1287; Clar. Hist. V. pp. 262, 263.

[278] Some of the members exclaiming that the dissolution was not honest, and against public morality and honesty, Cromwell retorted, and, ordering the gilt "bauble" to be taken away, locked the doors of the house, put the key in his pocket, and walked back to Whitehall. The next day some one put a paper on the door with the words, "*This house is to be let, now unfurnished.*" The dissolution was, according to Clarendon, "generally very grateful and acceptable to the people, how unusual soever the circumstances thereof had been," and "the people were satisfied in it." That (whatever may be said of their zeal in the public service) the members of the Long Parliament left nothing to be complained of, or desired, as to the care they took of themselves is plain, if there be any truth in the tract entitled, "The Mystery of the Good Old Cause," printed in 1660; not that this has ever been a point much neglected by those in power at any time, with but few honourable exceptions, whatever the form of government. It was, however, a crime in the Long Parliament, seeing that it was not consistent with the self-denying ordinance of April 3rd, 1645. Parl. Hist. III. pp. 1382—1386; Clar. Hist. VI. pp. 478—482.

[279] This was the harmless assembly to which "Prayse Barbone," one of the seven M.P.s for London, gave a name. It was not however, composed, as the list proves, of the class of persons described by Clarendon and Hume, and it was dissolved on the ground that its sittings and continuance were not for the public

August 28th, 1654, commissioners were appointed in each county for the ejection of scandalous, ignorant, and insufficient ministers.[280] On March 25th, 1657, indulgence was granted to persons who differed in certain points of doctrine, worship, and discipline; and protection was given to those ministers and preachers who agreed in faith but differed in matters of worship and discipline.[281]

52. A.D. 1660. In the early part of April, Monk had sent Sir J. Grenvill to the king,[282] with authority to arrange for a

good. It passed an ordinance directing marriages to be made before justices of the peace, and registries to be kept. Scobell, pt. ii. p. 236, cap. vi.; Parl. Hist. III. pp. 1386—1414; Clar. Hist. VI. p. 482; Heath, pp. 349—353; post, n. 299.

[280] The number of ministers ejected during the Commonwealth is said to have been about 1500, or one-sixth of the parochial clergy. For the ordinance see Scobell, II. p. 335. Walker, however, talks of 7000 of all sorts, but he includes members of the universities, cathedral chapters, etc.

[281] Scobell, II. p. 381, § 11. Under the firm rule of Cromwell, the surplice was neither done away with nor disused. For, although the church was nominally abolished, the clergy and congregations met with much wise toleration. This great man, who "was more in power and dread at home and abroad than perhaps any English monarch was," and who, in "the short intervals of domestic sedition and rebellion, made the name of England terrible" to every despot on the face of the earth, was personally for such a liberty of conscience and freedom of worship as consisted with common order, law, and the performance of all honourable obligations. In Bishop Kennet's history we are told "that the Protector was not himself of any one religion, and therefore was for liberty and the utmost latitude to all parties, so far as consisted with the peace and safety of his government; and even the prejudice he had to the episcopal party was more for their being royalists than for being of the good old church." Of this, Bishop Wren's case affords a good example. Cromwell, who had met Wren's nephew at dinner at Claypoles, gave him leave to tell his uncle that he might come out (of the Tower) if he wished. On the nephew going "with no little joy" to inform the bishop of it, "his lordship expressed himself warmly to this effect: 'That this was not the first time he had received the like intimation from that miscreant, but disdained the terms projected for his enlargement, which were to be a mean acknowledgement of his favour and an abject submission to his detestable tyranny.'" And so the door continued locked from the inside, and Wren completed his walk round the world on the Tower leads. Ken. & Hughes, Hist. III. pp. 198, 199; Neal, II. pp. 566, 594, 595, 608, 612, 613, 620, 623, 650, 654, 655, 675, 677, 679; Clar. Hist. III. pt. ii. lib. XIII. pp. 465—467, 494, 502—505, 648; Parentalia, pp. 33, 34.

[282] Grenvill's instructions were to advise the king to leave Flanders and go to Breda, and write to Monk, as from thence, the letters and declarations being prepared in a good degree suitable to Monk's wishes and counsels. Monk had, only so late as February 21st, spoken strongly against a restoration of the monarchy,

restoration; and on the 24th the king's party put out a declaration.[283]

The next day the convention parliament met, and spent their first sittings in violent speeches against Cromwell and in resolutions for carrying on the work of fasting and prayer preliminary to an act of contrition and a general confession of their own and the national sins, "no man having the courage, how loyal soever their wishes were, to mention his majesty till they could make discovery what mind the general was of."[284]

Monk, who had been appointed by the lords captain-general of the land forces, and to whom, on the 26th, both houses had given thanks for his eminent services, desired them in reply "to look forward and not backward in the transacting of affairs."[285] On the 30th, the fast was kept; and, on the appearance of so promising a symptom, Monk, "who had well surveyed the temper of the house," came into it and told them that one Sir John Grenvill, a servant of the king's, had brought him a letter from his majesty, whereupon he was called in and delivered the letter to the speaker. The letter and the dèclaration enclosed were then read, and a conference desired with the lords "in order to the settlement of the kingdom"; it was held the same day, and both houses agreed

"That according to the ancient and fundamental laws of this kingdom, the government is, and ought to be, by king, lords, and commons."

And a committee was appointed to report what acts or orders inconsistent therewith had been passed, and from this time, remarks Clarendon, *Charles Stuart* was no more heard of.[286]

and that with such an air of sincerity and with such shew of reason, and so temperately, that even the professional political dissemblers, who consider language as a gift bestowed to conceal the thoughts, were themselves taken in. Charles himself appears to have been in the dark, or in doubt, as to Monk's real views, and perhaps the fact was that Monk had not then made up his mind. Clar. Hist. VI. pp. 734—752; Ken. Reg. pp. 87—121; Evelyn, Diary, Feb. 3, 11.

[283] Clar. Hist. VI. pp. 752, 753; Ken. Reg. p. 120.

[284] Clar. Hist. VI. p. 756; Ken. Reg. pp. 121, 122; Journ. H. of C. VIII. p. 1; H. of L. XI. p. 1.

[285] Journ. H. of C. IV. p. 2; H. of L. XI. pp. 4, 5.

[286] Monk was one of the M.P.s for Devon. The Journals of the House of Commons say that a Mr. Annesley "reported from the council of state a letter from the king unopened," directed to General Monk. Clar. Hist. VI. p. 756; Journ. H. of C. VIII. pp. 4—9; H. of L. XI. pp. 6—9; Ken. p. 129; Parl. Hist.

53. On May 2nd, committees of each house were appointed to draft a reply to the king,[287] whilst on the 3rd, the king's messenger was called to the bar to receive the thanks of the House of Commons, and the king's arms were ordered to replace everywhere those of the commonwealth.[288] On the 4th, the lords appointed six of their number to attend upon the king with the answer of the house, and on the 7th, the commons elected twelve members of parliament, with Mr. Bowles as chaplain, to deliver theirs. On the 8th the king was proclaimed, and on the 10th the eighteen commissioners, going to the king, received their instructions.[289]

54. On the 28th, a royal proclamation was issued against

IV. pp. 15, 26. There was a letter to the speaker and one to Monk, the letter to the "speaker of the house of peers" being different from that to the commons. In both, however, the Breda declaration was enclosed, which granted "a liberty to tender consciences, and that no man shall be disquieted or called in question for differences of opinion in matters of religion which do not disturb the peace of the kingdom." For another letter to Monk, dated 20-10-1660, when expecting the arrival of the parliamentary committee, see Ken. Reg. p. 145.

[287] For the letters, see Journ. H. of L. XI. p. 10; Ken. Reg. pp. 130—133; Parl. Hist. IV. pp. 26—30; Clar. Hist. VI. pp. 757—760. The letter of the commons referred to the king's expression of his confidence in parliaments as being "most necessary for the government of the kingdom." It was no longer *à Deo, rex, à Rege, lex.*

[288] Journ. H. of C. VIII. p. 10; H. of L. XI. p. 12.

[289] Journ. H. of C. VIII. pp. 11, 15, 18, 19, 22, 47; H. of L. XI. 18, 22, 44; Parl. Hist. IV. pp. 35—40. A pass was also granted on the 8th, by the lords, to Drs. Reynolds and Spurstowe, with Messrs. Calamy, Hall, Manton, and Case "to go to attend the king." Twenty commissioners were also sent by the city of London. The king replied to both houses by a letter written on May 26th at Canterbury after landing, and delivered on the 28th. The six divines had divers conferences with the king on the use of the surplice and the reviewing the book of common prayer, but he was inexorable upon both points. Collier, VIII. p. 383; Ken. Reg. p. 152; Clar. Hist. VI. pp. 770, 771. On their return they drew up a formal address and proposals to the king concerning the matters in difference, to wit: 1. Church government. 2. The liturgy. 3. Ceremonies. It acknowledged the king to be *custos utriusque tabulae*, and the supreme governor over all persons and in all causes, but objected, as of human institution, to the imposition of kneeling at the communion, to the use of holydays, of the sign of the cross, of the surplice, to bowing at the name of Jesus, and (as having no foundation in the law of the land) to the erecting of altars, bowing towards them, and such like. Eng. Pur. Doc. pp. 12—21; Collier, VIII. pp. 386—389; Card. Conf. pp. 277—284, 285. On July 8th, the bishops set out an answer to their proposals, insisting on the retention of the kneeling and the use of holydays, but leaving the use of the surplice, the sign of the cross, and the bowing to the king's judgment. Collier,

the rebels in Ireland,[290] and on the 29th, both houses waited on the king at Whitehall,[291] 428 members of the lower house taking the oaths of allegiance and supremacy on June 4th following.[292] On the 18th, the business of the deprived ministry was gone into, and an act was afterwards passed confirming and restoring them.[293] A bill for a thanksgiving service on May 29th was also brought into the commons and passed.[294] On July 6th, a bill for the "maintenance of the true reformed protestant religion, and for the suppression of popery, superstition, profaneness, and other disorders and innovations in worship and ceremonies" was read a second time, and a grand committee, for religion, of the whole house was appointed.[295] On the 20th, the committee reported in favour of the king's calling

VIII. p. 389; Eng. Pur. Doc. pp. 27—39; Ken. Reg. p. 200; Neal, III. p. 53. On the 15th, the ministers made their "defence." Ken. Reg. p. 205; Eng. Pur. Doc. pp. 39—63. On October 25th came the royal declaration, and this was followed by a petition of ministers, the humble and grateful acknowledgment of some ministers, the proclamation against conventicles, the warrant for the Savoy conference, the exceptions of the ministers, the answer of the bishops, and the rejoinder of the ministers.

[290] It takes note of the "innocent blood of so many thousands of our English protestant subjects formerly slain by the hands of those barbarous rebels," who were to be treated and proceeded against as traitors. The 14 and 15 Car. II. sess. 4, c. 23 (Irish), reciting the conspiracy on October 23rd, 1641, of "papists, Jesuits, friars, seminary priests, and other superstitious orders of the popish pretended clergy" to cut off all the protestants and English throughout the kingdom, a "conspiracy so generally inhuman, barbarous, and cruel, as the like was never before heard of in any age or kingdom . . . . . whereby many thousand British and protestants have been massacred, many thousands of others of them have been afflicted and tormented with the most exquisite torments that malice could suggest, and all men's estates, as well those whom they barbarously murdered, as all other good subjects were wasted, ruined, and destroyed," set apart October 23rd to be kept as an anniversary day, and the act to be read publicly and daily for ever. Journ. H. of L. XI. p. 45; App. R.

[291] Journ. H. of C. VIII. p. 49; H. of L. XI. p. 48; Parl. Hist. IV. p. 54.

[292] Journ. H. of C. VIII. p. 54, where the oaths of allegiance and supremacy are given.

[293] 12 Car. II. c. 17; Ken. Reg. pp. 178, 196; Journ. H. of C. VIII. pp. 62, 106, 138, 147—149; H. of L. XI. pp. 67, 72, 161, 162, 172. A list was read in the commons, on August 27th, of those who had been ejected. See post, n. 310.

[294] 12 Car. II. c. 14; Journ. H. of C. VIII. pp. 76, 109, 124. A form of service was settled by convocation in 1662.

[295] Journ. H. of C. VIII. p. 82. It was committed, but did not pass.

together such a number of divines as he might think fit "to advise concerning matters of religion."[296] On August 7th, a message and the king's letter were read to the commons,[297] and orders were given on the 14th for the suppression of the tumultous meetings of quakers.[298] An act for the confirmation of marriage made before justices of the peace was passed;[299] and on November 9th, the king's declaration was read in the lords, and a bill for making it effectual was then brought into the commons, but was rejected by 183 to 157.[300] Another

[296] Journ. H. of C. VIII. p. 95. It then adjourned to October 23rd, the king's declaration being published on October 25th. Post, n. 300, 317.

[297] It related to the stipends of vicarages which the king wished brought up to £80 *per annum* or more. Journ. H. of C. IV. p. 113; Card. D. A. II. p. 221; Ken. Reg. p. 224; Wilk. Conc. IV. p. 556; Collier, VIII. p. 440.

[298] Journ. H. of L. XI. pp. 128, 154. The orders were carried out. On December 16th, the Quakers informed the king that there were 400 men and women "in close holes and prisons" in London, besides "above ten hundred" in the country. A proclamation went out against them on January 22nd following, dated from Edinburgh, whilst Governor Endicott, of Boston, New England, vindicated the having put some of them to death. On May 11th, 1661, the king issued a proclamation of grace in their favour, both at home and abroad, but 3068 were imprisoned by Charles up to March 27th, 1662. James II. is said to have released 1200 in 1685. Ken. Reg. pp. 211, 246, 361, 364, 378, 384, 445, 525, 531, 605, 614, 641, 651, 746. The 13 and 14 Car. II. c. 1, for preventing the mischief arising from the Quakers, passed in 1662. Neal, III. pp. 75, 106.

[299] 12 Car. II. c. 33; Neal, III. p. 67; ante, n. 279.

[300] Journ. H. of L. XI. pp. 179—182; H. of C. VIII. pp. 187, 191, 194; Ken. Reg. p. 246; Wilk. Conc. IV. p. 560; Card. D. A. II. p. 234; Collier, VIII. p. 393. In it the king set out his desire for the advancement and propagation of the protestant religion, and renewed the declaration from Breda for the liberty of tender consciences, making certain concessions to allay the then present distempers: 1. Care was to be taken for the observance of the sabbath and a supply of learned and pious clergy. 2. Suffragan bishops were to be appointed in each diocese. 3. No bishop was to ordain or exercise any part of the jurisdiction which appertained to the censure of the church without the advice and assistance of the presbyters; and no chancellors, commissaries, or officials, as such, were to exercise any act of spiritual jurisdiction in cases of excommunication, absolution, or wherein any of the ministry are concerned with reference to their pastoral charge, but the profession of the civil law to be upheld in other matters as had been used and practised. No archdeacon to exercise any jurisdiction whatever without the advice and assistance of six ministers of the archdeaconry, three to be nominated by the bishop and three by the presbytery. 4. Deans and chapters to be appointed of the most learned and pious presbyters in the diocese, and the chapter to be assisted by an equal number of presbyters chosen annually by the majority of the presbyters in the diocese to assist and advise the chapter. No suffragan to ordain but with the advice of a sufficient number of the most judicious and pious

for preventing the voluntary separation of married persons was read twice in the commons,[301] and an order having been made on December 7th, by both houses, that the "carcases of O. Cromwell, Henry Ireton, John Bradshaw, Thos. Pride, whether buried in Westminster or elsewhere, be with all expedition taken up and drawn upon a hurdle to Tyburn, and there hanged up in their coffins for some time and then buried under the gallows," parliament was dissolved on the 29th.[302]

55. Out of doors, Reynolds and Calamy, two of the most prominent presbyterian divines, were, on May 27th, made king's chaplains.[303] On the 30th, a royal proclamation against vicious and profane persons was put forth, and afterwards directed to be read in churches;[304] and on June 1st it was followed by another against disturbing the professions of any persons, whether civil or ecclesiastical, that had been settled by lawful authority.[305] On the same day a meeting of some sixty ministers was held at Sion College to consider matters, but Sharp (afterwards archbishop) then gave up the presbyterian cause as lost, the most influential men being, he said, content with an episcopacy after Bishop Usher's model, which allowed of a liturgy, the surplice, the sign of the cross at

presbyters so annually chosen. 5. Provided for and regulated confirmation and admission to the Lord's table. 6. No bishop to do or impose anything on either clergy or laity contrary to the law of the land. 7. An equal number of divines "of both persuasions" to be appointed to review the liturgy. 8. Ceremonies to be left to the advice of a national synod to be duly called after a little time, and meantime none to be denied the Lord's Supper, though not kneeling, but the use of the sign of the cross, of the surplice, and the bowing at the name of Jesus to be voluntary, except as to the use of the surplice in cathedral and collegiate churches. The canonical subscription and oath of obedience not to be required (but only the oaths of allegiance and supremacy) for ordination, institution, and induction, and forfeiture under the 13 Eliz. c. 12 to be set aside. See post, n. 317.

[301] Journ. H. of C. VIII. pp. 181, 183.

[302] Id. pp. 197, 200, 202, 234; Journ. H. of L. XI. pp. 202, 204, 233. It had been adjourned from September 13th to November 6th.

[303] Baxter, Spurstow, Wallis, Bates, Manton, and Case were afterwards made chaplains to the king, and Reynolds appointed to Norwich, Baxter and Calamy declining the sees of Hereford and Lichfield, and Bates, Manton, and Bowles, the deaneries of Lichfield, Rochester, and York. Neal, III. p. 64; Collier, VIII. pp. 383, 400; Ken. Reg. pp. 162, 175, 178, 180; Eng. Pur. Doc. p. 6.

[304] Ken. Reg. p. 167.

[305] Id. p. 172.

baptism, and kneeling at the communion, if not imposed by a canon *subpœnâ et culpâ*.[306] On the 5th came a proclamation for setting apart a day of thanksgiving on the 28th.[307] About the 14th, the king wrote to Reynolds and Calamy, ordering them to nominate ten of their side to meet twelve of the episcopal side to be chosen by himself.[308]

56. On the 17th, a conference was held between the king and the presbyterian leaders to endeavour to end the differences about ceremonies and discipline, and to promote "a happy union," and they were required to draw up and offer such proposals as they thought meet in order to an agreement.[309]

By the 23rd, Sharp wrote that all was wrong in church affairs, and that the Lord's anger was not turned away, for the generality were "doting after prelacy and the service-book." The presbyterian divines met, however, at Sion College to consult as to the proposals to be submitted to the king, and after two or three weeks' time a paper was drawn up to offer to him; but on the paper being presented to the king, in expectation of a meeting with "the divines of the other party," not a man of them was present, but the king "very graciously renewed his professions," and seemed well pleased with the papers when read to him. Meanwhile many hundred ministers were being ejected, and the presbyterians agreed to offer five special requests to the king, which he received.[310] A proclamation, dated the 27th, called in and suppressed Milton's *Pro Populo Anglicano Defensio* and the *Portraiture of his Most Sacred Majesty*.[311]

[306] Ken. Reg. p. 173; Collier, VIII. p. 387; Neal, III. p. 49; Eng. Pur. Doc. p. 22.

[307] Id. p. 174.

[308] Id. p. 180.

[309] Id. pp. 181, 187; Eng. Pur. Doc. p. 7; Collier, VIII. p. 385; Neal, III. p. 49.

[310] Id. pp. 187, 195, 197; Eng. Pur. Doc. p. 12, 26; Collier, VIII. p. 386; Neal, III. pp. 50, 52. Archbishop Usher's model accompanied the proposals. The second request was for "the suspension of proceedings upon the act of uniformity against nonconformists in case of liturgy and ceremonies." *Ante*, p. 433, n. 293.

[311] Some copies were burnt by the hangman at the Old Bailey on August 27th. Ken. Reg. pp. 189, 230, 239.

57. On July 8th, the bishops put out a reply to the proposals of the ministers, and this appears to have opened the eyes of the presbyterians, who "finished their concessions," the "issue being the emitting of a declaration by the king about moderate episcopacy, amended liturgy, and dispensing with ceremonies."[312] On the 10th, the defence of the proposals was delivered to the king.[313] On the 20th, the commons' committee reported in favour of a conference of divines, whilst on the 30th, Cosin published his treatise on the points in difference between England and Rome. On September 4th, a copy of the king's intended declaration was given by the lord chancellor to Baxter and other presbyterian divines for perusal before publication, and with "liberty to give notice of what they liked not."[314] The declaration being objected to, a petition was drafted asking for its amendment, and given to the lord chancellor, who would not present it, but required specific alterations to be proposed.[315] On September 23rd, Juxon was nominated primate, Frewen translated to York, and a list of eight other surviving bishops was delivered to the king.[316] On November 16th, several presbyterian ministers drew up an address to the king, thanking him for his declara-

[312] Ken. Reg. pp. 200, 202; Eng. Pur. Doc. p. 27; Neal, III. pp. 53, 56; Collier, VIII. p. 389. The ministers had meanwhile agreed at Sion College on Archbishop Usher's model, set forms, and an amended liturgy.

[313] Ken. Reg. pp. 205, 214; Eng. Pur. Doc. p. 39.

[314] Ken. Reg. p. 247.

[315] Eng. Pur. Doc. pp. 79, 98. On Oct. 22nd, the king, accompanied by several peers, bishops, and divines, met Baxter, Reynolds, Calamy, and others at the lord chancellor's to discuss the proposed "declaration." The form being at length settled, it was published on October 25th. Neal, III. pp. 56, 57; Ken. Reg. pp. 248, 279, 289; Collier, VIII. pp. 392, 393.

[316] They were Pierce, Wren, Skinner, Roberts, Warner, Duppa, King, and Frewen, the bishops of Bath and Wells, Ely, Oxford, Bangor, Rochester, Sarum, Chichester, and Lichfield. On September 28th, a king's letter recommended Sheldon for the see of London. On October 8th, Morley was elected bishop of Worcester, Duppa having already been translated to Winchester, Henchman taking his place at Salisbury. Lichfield was kept open for a year "in expectation that Mr. Richard Baxter would take it," and was then offered to the Dean of Salisbury, but refused owing to Frewen's having "skimmed it," and so it fell to Dr. John Hacket. Lucy was nominated on October 11th to St. David's, in Mainwaring's place, whilst Sanderson took Lincoln. Ironside was appointed to

tion.[317] On December 25th, all ministers were restored to their livings who had not either justified the king's death or declared against infant baptism.[318]

58. A.D. 1661. On January 2nd, a royal proclamation was issued against quakers, anabaptists, and other sectaries.[319] On the 26th, the bodies of Cromwell and Ireton, and on the 28th that of Bradshaw, were taken up, and those of Cromwell and Ireton taken in carts to the Red Lion in Holborn; and the next day all were hanged at Tyburn till sunset, when they were taken down, beheaded, and, the bodies being thrown into a hole under the gallows, the heads were fixed on Westminster Hall.[320] On the 30th, a form of prayer for January

Bristol, and Griffith was consecrated bishop of St. Asaph. Laney went to Peterborough, Cosin to Durham, Gauden to Exeter, and Reynolds to Norwich. Ken. Reg. pp. 252, 265, 272, 273, 288, 294—296, 300—302, 323, 354, 359. All Baxter asked was to be restored to his lectureship of £60 yearly at Kidderminster.

[317] Ken. Reg. pp. 305, 311, 315; Neal, III. p. 68; Eng. Pur. Doc. p. 103. Had the declaration been made law, the separation of 1662 would probably have been prevented. But the king never, it seems, intended it, as appears by one of the secretaries of state opposing the bill in the commons, and Hale, who brought it in, was moved out of the house into the Exchequer, with the remark that "if the king could have found an honester man he would have advanced him to it." Ante, n. 300; Burnet, Own Times, pp. 120—127.

[318] Neal, III. p. 66; 12 Car. II. c. 17; ante n. 293, 310.

[319] Ken. Reg. p. 352. Another proclamation on the 10th forbad all meetings on pretence of worship unless in a church or chapel or by the inhabitants of a private house. Scotland was included on the 22nd. Id. pp. 357, 364, 472; Card. D. A. II. p. 251; Wilk. Conc. IV. p. 564. Twenty-eight sects were said to be reckoned at this time: Anabaptists, Brownists, Semi-Separatists, Independents, Familists, Adamites, Anti-Trinitarians, Socinians, Antinomians, Millenaries, Hetheringtonians, Anti-Sabbatarians, Traskites, Soul-Sleepers, Anti-Scripturians, Expectants or Seekers, Divorcers, Shakers or Quakers, Ranters, Memnonists, Barrowists, Wilkinsonians, Johnstonians, Ainsworthonians, Robinsonians, Grindletonians, Pelagians.

[320] About September 12th or 14th, some twenty more bodies, including that of the stout true-hearted Blake, were dug up and thrown together, by the king's orders, into a pit at the back door of the prebendary's lodgings. Ken. Reg. pp. 367, 536; Neal, III. p. 104. Pepys noted, on December 4th, the order of parliament for the exhumation of Cromwell, and adds, "which do trouble me that a man of so great a courage as he was should have that dishonour, though otherwise he might deserve it." But now had come those days, "never to be re-called without a blush, the days of servitude without loyalty, and sensuality without love, of dwarfish talents and gigantic vices, the paradise of cold hearts and narrow minds,

30th was put forth by the king's command.[321] On March 23rd, the king issued a warrant appointing, in accordance with the declaration, a commission of twelve bishops and twelve presbyterian divines, Reynolds, the bishop of Norwich amongst them, with nine coadjutors of a side, to meet at the Savoy

"to advise upon and review the book of common prayer, comparing the same with the most ancient liturgies which have been used in the church in the primitive and purest times," but avoiding as much as may be all unnecessary alterations "of the forms and liturgy wherewith the people are already acquainted and have so long received in the Church of England."[322]

59. When the commissioners met, the presbyterian divines were required to bring in writing all the alterations and additions they wished made in, or to, the liturgy. At the end of a fortnight they presented, together with their exceptions to the old, a new form of common prayer, drawn out, it is said, by Baxter. Exception was taken to the following ceremonies, as unwarrantable:

"That public worship may not be celebrated by any minister

the golden age of the coward, the bigot, and the slave. The king cringed to his rival that he might trample on his people. . . . . The caresses of harlots and the jests of buffoons regulated the policy of the state. . . . Crime succeeded to crime, and disgrace to disgrace, till the race, accursed of God and man, was a second time driven forth to wander on the face of the earth, and to be a bye-word and a shaking of the head amongst the nations." Macaulay, Ess. on Milton, p. 22. The Stuarts found shelter and a welcome at Rome. Charles II. lived a secret, and died a professed papist. James II. openly avowed it, "for he not only went to mass, but went publicly with all the ensigns of royalty," and restored, as Roman authors tell us, "the ancient rites." "James III." received, as "king of Great Britain," subsidies for hostile purposes from the pope, and we find briefs of so late a date as 1759 and 1760, preserving "jura nominationis ad episcopales sedes Catholicas" to him in right of the crown. Palatio, Gesta, v. p. 15; Guarnacci, I. pp. 115, 399; II. pp. 26, 27, 589, 593; Bull. Rom. Contin. Clem. XIII. III. pp. 294, 413, 423; Dodd, III. pp. 177, 227, 229, 416, 441; Butler, Hist. Mem. IV. pp. 192—199; Flanagan, II. p. 352; Lingard, IX. pp. 53, 61—63; Knight, Hist. IV. pp. 376, 383; Macaulay, I. p. 471; Liguori, Hist. Hær. II. p. 30.

[321] Ken. Reg. p. 368.

[322] The commission was to last for the four calendar months next ensuing. Card. Conf. pp. 257, 298; Eng. Pur. Doc. p. 107; Ken. Reg. p. 398; Neal, III. p. 85; Wilk. Conc. IV. p. 570; Collier, VIII. p. 401; Parker, Introd. p. 72.

that dare not wear a surplice. That none may baptise, nor be baptised, without the transient image of the cross. That none may receive the Lord's supper that dare not kneel in the act of receiving."

They also desired

that the ornaments rubric "be wholly left out," because it "seemeth to bring back the cope, albe, etc. and other vestments forbidden by the common prayer of the 5 & 6 Edw. VI." That the rubric in the common prayer of the 5 & 6 Edw. VI. "may be restored, for the vindicating our church in the matter of kneeling at the sacrament," and that the ring in marriage be left indifferent.[323]

60. The bishops did not reply for "a good while after," but

to the "main and principal demand, as is pretended, viz. the abolishing the laws which impose any ceremonies, especially these,—the surplice, the sign of the cross and kneeling, the yoke, which if removed there might be peace,"—they alleged their lawfulness and convenience, as being decent ornaments and habits preserving reverence (to say nothing of the antiquity of the surplice), whilst the cross was always used in the church "in immortali lavacro," and the ancient method of receiving standing was "more adorantium," but now that had been left and kneeling was used instead.[324]

And as to the ornaments rubric they said

"we think fit that the rubric stand as it is, and all be left to the discretion of the ordinary."[325]

The Bishop of London sent the commission, on April 1st, to Reynolds, desiring him to summon the non-conformist members or those who were not bishops. It met on April 15th.

[323] "Twenty-one out of the thirty-five queries of 1641 reappeared in the puritan exceptions," and a "petition for peace" also accompanied them. Lord Selborne, Notes, p. 42; Neal, III. pp. 86, 87; Eng. Pur. Doc. pp. 111—146, 176—200; Ken. Reg. pp. 407, 431, 446, 447; Card. Conf. pp. 310, 314, 322, 330; Parker, Introd. pp. lxxiv.—lxxix.; Collier, VIII. pp. 404—409.

[324] Ken. Reg. p. 499; Parker, Introd. p. lxxix; Eng. Pur. Doc. pp. 146—176; Neal, III. p. 88; Card. Conf. pp. 335—363; Collier, VIII. pp. 409—417, 421.

[325] The revision committee of bishops of November, 1661, decided for a verbal alteration, and changed the letter, though not the meaning, of the rubric.

They objected to the restoration of the rubric as to kneeling at the sacrament, on the ground that

it was "not in the liturgy of Queen Elizabeth, nor confirmed by law," and that there was no need to restore it, "the world being now in more danger of profanation than idolatry." Besides which, the sense was "declared sufficiently in the twenty-eighth article."[326]

On the imposition of hands at confirmation they pleaded ancient and catholic use, remarking

"our church doth everywhere profess, as she ought, to conform to the catholic usages of the primitive times, from which causelessly to depart argues rather love of contention than of peace."[327]

On the whole, the bishops offered seventeen concessions.[328]

61. In eight days' time, Baxter drew up a reply or rejoinder to the bishops' answer, but in vain; and as the time given by the commission was almost run out, a personal debate upon the papers put in was agreed to, when there were "but ten days more to treat."[329] At last, to cut the matter short, Cosin produced a paper "for reconciliation," and

[326] The declaration at the end of our present communion service was inserted by the bishops in 1661, but it is not in the terms desired by the presbyterians nor as found in the second book of Edward VI.

[327] The bishops also said, "The church hath been careful to put nothing into the liturgy but that which is either evidently the word of God or what hath been generally received in the catholic church; if the contrary can be proved we wish it out of the liturgy." The reading of the communion service at the table was justified on the ground that all the primitive church used it, and "if we do not observe that golden rule of the venerable council of Nice—'let ancient customs prevail,'—till reason plainly requires the contrary, we shall give offence to sober christians by a causeless departure from catholic usage." The font at or near the church door was said to stand "as it did in primitive times," and on the question of sponsors at baptism the bishops say, "It is fit we should carefully observe the practice of venerable antiquity." The baptism of the children of atheists, etc., is concluded to be "out of holy scriptures" and "according to the practice and doctrine of the catholic church." The receiving thrice yearly was insisted on, it being more "fitting that order should be taken to bring it into more frequent use, as it was in the first and best times." Eng. Pur. Doc. pp. 171, 148, 153, 167; Card. Conf. pp. 359, 337, 342, 355, 354.

[328] The bishops' concessions were not, all of them, afterwards adopted, *e.g.* the omission of the words "sure and certain" out of the burial service, § 17.

[329] Ken. Reg. p. 499; Eng. Pur. Doc. pp. 201—345.

sought to shorten the controversy by getting the presbyterians to say what they deemed sinful, and what merely inexpedient. Whereupon eight things were charged as flatly sinful.

1. The not baptising without using the sign of the cross.
2. The obligatory wearing of the surplice.
3. The kneeling at the Lord's supper.
4. Baptismal regeneration.
5. The giving the sacrament to unfit persons.
6. The absolution of unfit persons, in absolute expressions.
7. The giving thanks for all buried as brethren whom God had taken to Himself.
8. The compelling preachers to subscribe to the common prayer, the ordinal, and the thirty-nine articles, as containing nothing contrary to the word of God.[830]

The commission, however, expiring on July 25th, before the discussion was ended, the conference closed without any practical result, save that "all agreed on the ends for the church's welfare, unity, and peace, and his majesty's happiness and contentment," but "were disagreed of the means"; and Baxter, on the last day, drew up and gave in a paper (in reply to the bishops' disputants), which was not answered, and he also drafted a petition to the king, which was, with some alterations, afterwards presented.[831]

62. On April 10th, an order, by the king in council, was made for the convocation writs to be drawn, and the next day they went to the two archbishops to summon the clergy convocations for May 8th, the primate's mandate going the day after.[832] On April 23rd, the king was crowned, the dean and prebends of Westminster attending in "rich copes," each having a part of the regalia to carry, the *regale* or chalice

[830] Ken. Reg. pp. 504, 507; Eng. Pur. Doc. pp. 346, 351, 359, 364; Neal, III. p. 88; Card. Conf. p. 364; Collier, VIII. p. 423; Apol. pro Min. pp. 3—5.

[831] Eng. Pur. Doc. p. 379; Ken. Reg. pp. 516, 519; Collier, VIII. p. 427, and see Burnet, Own Times, pp. 122—124; Wilk. Conc. IV. p. 570; Parker, Introd. pp. 73—80.

[832] Ken. Reg. pp. 405, 406; Card. Syn. II. pp. 631—634; Collier, VIII. p. 428.

being borne by the Bishop of London in a cope.[333] On the 24th, two more papers of proposals concerning discipline and ceremonies were presented by the presbyterians to the king.[334]

63. On May 8th, parliament and the two convocations met.[335]

In that of Canterbury, after the usual formal business, a form of prayer for the king's birthday and accession, drafted by the bishops, was, at the third session, brought into the upper house, and then, with its consent, delivered to the prolocutor for the consideration and consent of the lower, and the bishops of Salisbury, Peterborough, and St. Asaph were appointed to draw up a form for the baptism of adults, six of the clergy house to be chosen to assist them. The office for baptism was brought into the upper house on the 31st by the Bishop of Salisbury, and there, after being read, was unanimously approved.[336] On the same day the attorney-general was directed, by an order in council, to prepare a commission authorising convocation to consult of matters relating to the settlement of the church.[337] On June 7th, the king's licence to amend and make

[333] Pepys notes that many of the bishops wore "cloth of gold copes." The coronation ceremony included the anointing, and, after that, the putting on the *coif* or *chrismale*, then of the *sindonis colobium*, or surplice, the *tissue hose* and *sandals*, the *super-tunic* or close pallium, the *sword*, the *armillae*, the *pallium quadrangulum*, the crown, and finally the ring, gloves, and sceptre. The ceremony over, the king being divested and robed in the imperial purple, proceeded, crowned, with the sceptre in his right hand and the globe in the left, from the Abbey to Westminster Hall to the coronation feast. Ken. Reg. pp. 411—423, 667; Heath, Chron. pp. 475—496; Evelyn, Diary, April 23rd.

[334] Ken. Reg. p. 424.

[335] Both parliament and convocation were, says Kennet, composed of men fitted and devoted to the diocesan interest.

[336] Sheldon, owing to the primate's (Juxon) great age and infirmities, presided, the first business being the settlement of forms of prayer for May 29th and January 30th. A list of those chosen to attend the bishops at Ely House on May 16th and 18th, and June 7th, is given in Sancroft's writing, in one of the Lambeth MSS. (v. 577), but his own name is not amongst them. Syn. Ang. pp. 200—207; Sancroft's Life, II. p. 112; Card. Synod. II. pp. 634, 640—642; Wilk. Conc. IV. p. 565; Collier, VIII. p. 429; Ken. Reg. pp. 433, 434, 450, 480—482; Parker, Introd. p. 82. On May 20th, the observance of May 20th was ordered by a royal proclamation, and on the 22nd a privy council order directed the printing, using, and reading of the form prepared.

[337] The proviso that the "said canons, orders, ordinances, constitutions, and things, or any of them so to be considered, consulted, and agreed upon, as

canons was sent to the upper house of the southern province, and having been read there, the prolocutor and the lower house were sent for, to whom it was also read, and they were desired to consider the matter and send the result of their deliberations in writing to the bishops. The preparation of a form of prayer, to be used on the public fast of June 12th, was left to four bishops and eight clergy.[338]

64. On June 21st, the Archbishop of York and the Bishops of Durham and Chester being present, the settling of a book of articles for bishops' visitations was discussed, and a committee of six bishops was appointed to meet at the Savoy for that purpose, the northern bishops being requested to assist. The names of the twenty-four members of the lower house who had been selected to assist in the revision of the canons were also presented to Sheldon.[339] On July 3rd, the bishops discussed the question of the liberty of the press, and the propriety of an act for its regulation. On the 17th, 19th, and 22nd, drafts of canons were presented by the bishops of Salisbury, Gloucester, Bath and Wells, and Rochester, and when read were returned for further consideration. On the 27th a *benevolence* was voted, and on the 31st the convocation was adjourned to Nov. 21st.[340]

At York the session began with a special service, and, on July 23rd, the royal licence was granted giving power to amend the canons and constitutions of the church. It was read there on August 8th, and the assembly was adjourned to November 21st.[341]

aforesaid, be not contrary nor repugnant to the liturgy established, or the rubric in it; or the thirty-nine articles, or any doctrine, order, or ceremonies of the Church of England already established," was to be omitted. Ken. Reg. pp. 455, 456; Lathbury, p. 283. On a design of reprinting the canons, see MS. Harl. 3795, fo. 27 *b*.

[338] The royal licence proving defective, a fresh one was granted on June 19th, appointing a committee of twelve of the upper and twenty-four of the lower house to examine the canons already made. The proclamation of June 7th, ordered a general fast for London on the 12th, and for the provinces on the 19th. Ken. Reg. p. 468; Card. Syn. II. pp. 642, 645; Wilk. Conc. IV. p. 566; Syn. Ang. pp. 207, 209, ed. 1854.

[339] The bishops of Bath and Wells, Ely, Oxford, Salisbury, Lincoln, and Gloucester, were appointed to frame the book of visitation articles. Syn. Ang. pp. 210, 211; Card. Synod. II. pp. 646, 647; Ken. Reg. p. 478; Wilk. Conc. IV. p. 566.

[340] Ken. Reg. pp. 490, 499, 500, 503, 507; Syn. Ang. pp. 212, 213; Card. Synod. II. pp. 648—650; Wilk. Conc. IV. p. 566.

[341] Ken. Reg. p. 503; Wilk. Conc. IV. p. 567; The terms of the letters patent of July 23rd were identical, *mutatis mutandis*, with those of 3 Jac. I.

65. In parliament the usual wind-bag speeches were made at the opening.[342] The grand committee for religion was appointed to meet every Monday,[343] and the "Solemn League and Covenant" was ordered to be burnt by the hangman on May 22nd.[344] On June 10th, a petition "of divers of his majesty's most loyal and most obedient Roman Catholic subjects" was presented to the lords, touching the taking of the oaths and seeking relief for tender consciences.[345] On July 3rd, in the commons, as resolved on June 25th, a bill for "uniformity of public prayers and administration of sacraments, together with the printed book of common prayer" annexed thereto, was committed.[346] On the 9th, the bill for uniformity, being engrossed, was read a third time, and a book of common prayer, printed at London in 1604, was annexed to it; the next day, it was carried up to the lords, desiring their concurrence.[347] On July 15th, complaint was made in the lords of one Mathew Hardy, who had taken up Archbishop Parker's body, sold the lead, and buried the bones in a dunghill.[348] On

[342] Parl. Hist. IV. pp. 178—210, where a list of the members is given.

[343] Journ. H. of C. VIII. p. 247.

[344] Journ. H. of C. VIII. pp. 254, 256; Parl. Hist. IV. p. 210; Heath, Chron. p. 498. Other acts were also burnt. Journ. H. of C. VIII. p. 259.

[345] It was read the next day, and on the 14th the judges were ordered to bring in a list of all the penal laws, that were capital, concerning religion. On the 21st, two papers, containing objections to the acts and the Roman Catholic wishes, were handed into the house by a Colonel Tuke, and one was read by the Lord Arundell. On June 28th, after a long debate, the house resolved that nothing had been offered to them to move them to alter anything in the oaths, but the question of the "sanguinary laws" was referred to a committee of thirty-three peers. Upon a report from this committee, another was appointed to consider and prepare a bill to be offered to the house on the 5 Eliz. c. 1, 27 Eliz. c. 2, 35 Eliz. c. 1, 1 Jac. c. 4, 3 Jac. c. 4, and the writ *de haeretico comb.* to be repealed, but no indulgence was to be given to Jesuits. Journ. H. of L. XI. pp. 276, 277, 279, 281, 286, 287, 291, 292, 295, 310; Ken. Reg. pp. 469, 472, 476, 484, 491, 495, 603.

[346] "If the original book of common prayer cannot be found, then to report the said printed book and their opinion touching the same." Journ. H. of C. VIII. pp. 279, 288, 289, 295; Parker, Introd. p. 346.

[347] "Part of the two prayers inserted before the reading psalms, being first taken out, and the other part thereof obliterated." Journ. H. of C. VIII. p. 296; H. of L. XI. p. 305. The bishops did not sit in the lords till November 20th.

[348] Journ. H. of L. XI. pp. 309, 319, 346, 350. This outrage was perpetrated in 1648 by a Colonel Scot. Strype, Park. p. 499; Ken. Reg. pp. 494, 576.

the 30th, parliament was adjourned to November 20th following.[349]

66. The failure of the Savoy conference made way for the revision of the common prayer by convocation, and the adjournment of nearly four months gave the bishops ample time to prepare for it.

"The bishops," says Clarendon, "had spent the vacation in making such alterations in the book of common prayer as they thought would make it more grateful to the dissenting brethren, for so the schismatical party called themselves."[350]

On August 26th, a writ of summons to the next meeting of parliament, in November, went to the primate, and, on the 29th, like writs were sent to the other bishops.[351]

67. On November 20th, parliament reassembled, the Archbishop of York and twenty-two bishops taking their seats.[352] The two convocations met the following day.

In that of Canterbury, the king's letter authorising and requiring them to review the book of common prayer was read first in the upper house and then in the lower, summoned for that purpose.[353]

[349] The 13 Car. II. c. 2 repealed the 16 Car. I. c. 27, disabling persons in holy orders from exercising any temporal jurisdiction and authority. The 13 Car. II. c. 7 confirmed the 12 Car. II. cc. 2, 4, 5, 8, 9, 12, 15, 19, 20, 23, 30, 35. The 13 Car. II. c. 11 confirmed the 12 Car. II. cc. 14, 29, 33. The 13 Car. II. c. 12 explained the 16 Car. I. c. 11 § 4, and provided that the ordinary ecclesiastical jurisdiction and censures in all causes and matters within, and belonging to it (according to the king's ecclesiastical laws used and practised in the realm) should still be used and practised as before the 16 Car. I. c. 11, which it wholly repealed, except as to the high commission court. The 13 Car. II. c. 12 § 4, took away the oath *ex officio* and purgation; § 5 provided that no bishop or other spiritual or ecclesiastical judge should have, or exercise any jurisdiction other than what they had by law before 1639, nor was the act to be taken to confirm the canons of 1640, nor any other ecclesiastical laws or canons not confirmed, allowed, or enacted by parliament or by the laws of the land as they stood in 1639. See Steph. Eccl. St. p. 567.

[350] See Clarendon's Life, II. p. 278, and Lord Selborne's Notes, pp. 42—48, where this fact and the subject of "Cosin's book" are dealt with and disposed of.

[351] Ken. Reg. p. 526.

[352] The primate did not take his seat, but there was a full and regular attendance during the session of the other bishops and the Archbishop of York. Journ. H. of L. XI. p. 332; Parl. Hist. IV. p. 222.

[353] The king's letter to Archbishop Frewen, who, with the three other northern bishops was in London at the time, and during the session, was dated November

The lower house having been dismissed, Sheldon, the president, with the consent of the other bishops, appointed a committee of eight bishops, three to be a quorum, to meet daily at the Bishop of Ely's and proceed with the revision until it was finished.[354] On the

22nd, and was sent on the next day to the registrar and prolocutor at York. On the 30th, eight proxies were appointed to represent the northern clergy in the southern assembly, with full power to deliberate and agree on their behalf to any alterations or additions made in the book of common prayer. The king's letter referred to the commission of July 10th, and required him to review, or cause a review to be made of, the book of common prayer, "and after mature consideration that you make such additions or alterations . . . as to you shall seem meet and convenient." That to the primate would probably be in the same terms. In the warrant for the Savoy conference the commissioners were to make "reasonable and necessary alterations, corrections, and amendments therein as . . . shall be agreed upon to be needful or expedient for the giving satisfaction unto tender consciences, and the restoring and continuance of peace and unity, . . . but avoiding, as much as may be, all unnecessary alterations of the forms and liturgy wherewith the people are already acquainted, and have so long received in the Church of England." Ken. Reg. pp. 563—566; Wilk. Conc. IV. pp. 566—568; Wake. p. 518, App. pp. 240—241; Lord Selborne, Notes, p. 47; Syn. Ang. p. 214, ed. 1854; Card. Synod. II. p. 651; Parker, Introd. p. 85; ante, p. 459.

[354] They were Cosin, Wren, Skinner, Warner, Henchman, Morley, Sanderson, and Nicholson, the bishops of Durham, Ely, Oxford, Rochester, Salisbury, Worcester, Lincoln, and Gloucester, three to be a quorum; of these, Cosin, Morley, Henchman, Warner, and Sanderson were in the Savoy commission. Sancroft was not a member of convocation, but he was specially employed to assist Mr. Pell in reforming the calendar, and Dr. Sanderson in rectifying the rubrics, whilst, on the completion of the work, he was one of the three selected to correct the proof sheets. Sanderson drafted the preface, and had, it is said, a great hand in many, if not most, of the alterations made. Sancroft also made the alterations in the convocation book, and he appears to have acted as secretary to Cosin, the convocation, or the committee of bishops, "probably to all of them." Kennet gives a list of the books and papers supposed to be used in the revision. They are: 1. Overall's MS. notes in the common prayer of 1619. 2. Cosin's MS. notes in the interleaved common prayer of 1636. 3. Cosin's additional notes in the octavo MS. of 300 pages. 4. MS. notes of Bishop Andrews; all published by Nichols as an appendix to his commentary on the common prayer. To these, as the committee met at Bishop Wren's house, may fairly be added the elaborate list of suggestions and amendments prepared by Wren in view of the revision of the common prayer, and published in "Fragmentary Illustrations," pp. 46—109; see Parker, Introd. pp. 418—426. It is well to bear in mind that fifteen of the bishops had been members of the convocation of 1640. Juxon, Pierce, Wren, Skinner, Roberts, Warner, and Duppa being then members of the upper house, and Sheldon, Hacket, Ironside, Griffith, Frewen, King, Laney, and Lloyd, members of the lower. All would be well acquainted with the mind of Laud, the bishops, and convocation of 1640, and may fairly be supposed to have understood

23rd, the prolocutor of the clergy house was sent for, and a part of the prayer book, examined and revised by the bishops, was given him with directions to at once revise and amend it if needful.[356] On the 27th, it was returned to the bishops with a schedule of the emendations or alterations made in it, and Sheldon then gave the remaining part for prompt revision and return. The next day the bishops examined the proposed clergy alterations, and went over part of the Psalms, and, on the 29th, revised the forms for the ordination of deacons and priests and the consecration of bishops.[356] On December 2nd, the new preface was read and committed to the bishops of Ely, Oxford, Salisbury, and St. Asaph for examination and consideration.[357] On the 5th, Mr. Pell brought up the calendar, which was left to the Bishop of Carlisle to examine and revise, the preface, with the burial and other services, being considered by the bishops on the 6th, 7th, 9th, and 10th.[358] On the 12th, the clergy prolocutor applied for, and was admitted to, a conference (accompanied by three other members of the lower house) with the bishops, and delivered them certain schedules of emendations of a part of the book of common prayer.[359] On the 13th, the revised prayer book having been transcribed and noted,[360] was committed to the bishops of Salisbury, St. Asaph, Carlisle, and Gloucester on the part of the upper house, with Pory, Pearson, and Sparrow on behalf of the lower, for final revision.[361] On the 14th, the Bishop of Norwich

and acquiesced in his, their and its formal and authoritative acts. Card. Synod. II. p. 652; Syn. Ang. p. 215, 227; Clarendon's Life, II. pp. 278, 279; Sancroft's Life, I. pp. 112—114; Ken. Reg. pp. 566, 574, 632; Lord Selborne, Notes, pp. 46—48; Lathbury, pp. 286—289; Parker, Introd. pp. 92—100.

[355] Synod. Ang. p. 215; Card. Synod. II. p. 653; Ken. Reg. p. 566.

[356] Synod. pp. 216, 217; Card. Synod. II. p. 654; Ken. Reg. p. 568.

[357] Ken. Reg. pp. 573, 574; Card. Synod. II. p. 655; Synod. Ang. p. 217. The preface meant is the one beginning, "It has ever been the wisdom," etc., which was wholly new.

[358] Synod. Ang. pp. 217, 218; Card. Synod. II. p. 656; Ken. Reg. pp. 575, 576. On the 9th, the bishops unanimously agreed that one form of prayer should be used before and after the sermon in the province of Canterbury.

[359] Synod. Ang. p. 219; Card. Synod. II. p. 657; Ken. Reg. p. 577.

[360] "Debita forma script. et exarat." But some amendments were first made in the preface, and some new collects were revised by the bishops.

[361] "Sparrow," said the late Bishop of Exeter (Dr. Phillpotts) "seems to have been selected because of his *Rationale*, which was published in 1659. His authority, therefore, in all questions relating to the meaning of any portion of the prayer book, is very great." Reprint of Letter IX. to C. Butler, p. 7.

placed in Sheldon's hands a form of general thanksgiving he had prepared, whilst on the 16th, the House of Commons, getting impatient, reminded the lords of the bill for uniformity they had sent up. On the 19th, the form of subscription was left to Bishops Cosin and Henchman to settle, assisted by Drs. Chaworth and Burrell, vicars-general of London and Durham.[362] On the 20th, the book was subscribed by the bishops as well as by ninety members of the two convocations, including seven York proxies;[363] and this concluded the chief business of this session.

68. Some few other matters were, however, considered and dealt with in the southern convocation before its prorogation; the revision of the 1640 canons was treated of, and a committee of eight bishops appointed to consider which of them should be observed and put in use, but no decision appears to have been come to, at least none is recorded.[364] The right and propriety of the bishops sitting in parliament at the trial

[362] Ken. Reg. pp. 576, 579, 580, 582; Journ. H. of C. VIII. p. 333; Synod. Ang. pp. 219, 220; Card. Synod. II. pp. 658, 659; Lath. Conv. p. 289.

[363] The alterations and additions were made in a common prayer of 1636; to it was prefixed a tabular list or conspectus of all the "material" alterations or additions. At the end of this list was written: "These are all the material alterations, the rest are only verbal, or the changing some rubrics for the better performing of the service, or the new moulding some of the collects." The "ornaments rubric" is not amongst them. The altered book with the 1 Eliz. c. 2 prefixed, was fair copied, and subscribed by the bishops and convocation (nineteen southern and three northern bishops signing, fourteen of whom were members of the convocation of 1640), and so subscribed was sent to the king for his approval. The bishops' subcriptions ran thus: "Librum precum publicarum . . . nos episcopi . . . in sacrâ provinciali synodo legitimè congregati, unanimi assensu et consensu in hanc formam redegimus, recepimus et approbavimus, eidemque subscripsimus," etc. The clergy merely expressed assent, "unanimiter consensimus et subscripsimus." Lathbury, p. 289; Ken. Reg. pp. 584, 585; Joyce, Eng. Syn. p. 718; Steph. Book of C.P. III. p. 2141; Lord Selborne, Notes, pp. 58, 61—72; Parker, Introd. pp. 87—91, 439—456, and for list or conspectus of alterations, pp. 100— 105.

[364] The matter was debated on January 8th, 17th, 24th, and February 22nd, and the bishops first appointed were Pierce, Skinner, Griffith, Laney, Sanderson, Sterne, Reynolds, and Nicholson, the first four of whom were members of the 1640 convocation; on February 22nd, the names of Pierce, Laney, Sanderson, Reynolds, and Nicholson were struck out and those of Henchman, Morley, Croft, and Walton inserted. Synod. Ang. pp. 221, 222, 225; Card. Synod. II. pp. 660, 661, 665; Wilk. Conc. IV. p. 566; Ken. Reg. pp. 601, 605, 632; Lathbury, p. 294; Burnet, Own Times, p. 126.

of persons impeached of treason was also discussed, and the opinion of some civilians who were called in was taken and adopted.[365] The framing of a set of visitation articles was left to Cosin,[366] and a discussion took place upon the case of some Roman priests.[367] Some clerical alterations made in the liturgy by parliament were also considered, and a committee of bishops selected to deal with them.[368] Sancroft and two others were appointed by Sheldon, with the bishops' approval, to revise and correct the new edition of the prayer book.[369]

[365] It was to the effect that the bishops were justified in sitting. Synod. Ang. p. 662; Card. Synod. II. p. 223; Ken. Reg. pp. 616, 620; Wilk. Conc. IV. p. 566.

[366] This was on February 22nd, 1662; on March 8th, Cosin brought up the book of articles prepared by him, and it was at once referred to Archbishop Juxon "pro ejus perlectione et debita consideratione eorundem, et pro eorum emendatione reformatione et correctione suâ." The book so delivered in very probably contained Cosin's own visitation articles isssued at his visitation in October 1662, but the revised and "typical form" is doubtless that of Bishop Morley, seeing that bishops Pierce, King, Ward, Croft, Sanderson, Lloyd, Skinner, Laney, and Lucy adopted it, in their 1662 visitations, as well as other bishops later on. Cosin's book had seven titles with 7, 4, 17, 18, 2, 3, and 8 articles respectively. The revised book had the same number of titles, but with 7, 4, 16, 15, 2, 3, and 8 articles. Lord Selborne, Notes, pp. 52, 53; Synod. Ang. pp. 225, 226; Card. Synod. II. pp. 665, 666; Wilk. Conc. IV. p. 566; Ken. Reg. pp. 632, 640; Parker, Introd. p. 463; Rit. Com. Rep. II. pp. 601, 615; Cosin's Works IV. p. 505; ante p. 464, § 64.

[367] The nature of the consultation is unknown. In 1714, convocation, in accordance with the queen's letter of business prepared a form for the admission of converts from the Church of Rome, but there is no trace of any form of the kind being discussed in 1662. Card. Synod. II. pp. 664, 776, 796; Synod. Ang. p. 225; Wilk. Conc. IV. pp. 654, 660.

[368] "Tractatum . . . circa nonnullas emendationes sive alterationes alias in libro publicarum precum per domum parliamenti fact. et . . . curam revisionis earundem alterationum reverendis viris Georgio Asaphen, Richardo Carlislen, Briano Cestren . . . nomine totius domus superioris convocationis ad emendend. et corrigend. easdem alterationes," etc., the lower house being consulted and unanimously consenting to what was done by the bishops in the matter. This was on March 5th. On April 21st, the error in the post-baptismal rubric was discussed, and the name of Cosin was substituted for that of Bishop Walton. Lord Selborne, Notes, pp. 59—64, 69; Card. Synod. II. pp. 666, 670; Synod. Ang. pp. 226, 229; Parker, Introd. pp. 437—463; Ken. Reg. p. 640.

[369] On March 8th. The other two were Scattergood and Dillingham, who were to correct the press, Sancroft supervising the printing of the whole, the book to be printed before August 24th. The Act of Uniformity had been discussed by the

The preparation of a special form for the consecration of churches and chapels was unanimously committed to Bishop Cosin by the bishops, the form of clergy subscription and Can. 36 were also discussed, and resolutions come to in the matter of ordination; whilst the revision of the form of prayer for November 5th was left to Bishop Cosin.[370] The forms of prayer for November 5th, January 30th, and May 29th were approved of by the bishops, and a Latin version of the common prayer left to Drs. Earle and Pearson to prepare;[371] and in conformity with an order and recommendation of the lords, made at the request of the commons, a constitution or canon was framed and unanimously agreed to by both the bishops and convocation, for "reverence to be observed in time of divine worship" in the church.

69. It condemned not merely the impiety and irreverence of the people, but also

"the undue liberty which many ministers have taken and used in altering the form of public service prescribed, and introducing instead thereof their own voluntary and extemporary effusions and prayers, with divers other misdemeanors and disorders, to the great dishonour of God, and the violation of the laws of religion established in the Church of England, which, according to the rule and precept of St. Paul, enjoins all decency and order to be therein observed."

And it was required and ordained *inter alia*

2. "That the clergy who perform holy duties in the church shall use no other form of public service or prayer, either before or after

bishops on January 29th, and on March 18th they informed the clergy convocation that the revised book had been accepted by the lords in parliament. On April 12th they discussed the appointment of fit persons to correct the prayer book when printed ("personas aptas et idoneas ad corrigend. impressionem libri"), and also the sending round copies of the new book by the bishops to the various parishes in their dioceses. The crown afterwards appointed, under the 13 & 14 Car. II. c. 4, § 28, commissioners to examine certain books of common prayer with the one annexed to the act. Steph. Book of C. P. I. p. 100; Card. Synod. II. pp. 667, 669; Synod. Ang. pp. 227, 229; Ken. Reg. pp. 640, 643, 658.

[370] Sess. LXXI. LXXV. LXXVIII. Synod. Ang. pp. 228—230; Card. Synod. II. pp. 668—670; Ken. Reg. pp. 658, 666.

[371] On April 26th. Card. Synod. II. p. 671; Synod. Ang. p. 230; Ken. Reg. p. 670.

their sermons, than what is prescribed in the book of common prayer, or appointed and ordered by the ecclesiastical constitutions of the Church of England."[372]

70. In parliament the Act of Uniformity sent up by the commons was read a first time in the lords on January 14th, and a second time on the 17th, when it was committed. On the 28th, the commons desired the lords to give it what "convenient expedition they could."[373] On February 25th, the common prayer, as revised by the bishops and presented to the king, was sent to the lords, with a message from the king to the effect that

his majesty having, according to his declaration of October 25th, 1660, granted a commission under the great seal to several bishops and other divines to review the book of common prayer, and to prepare such alterations and additions as they thought fit to offer, and that afterwards he had been pleased to charge and require the presidents of the two convocations, and other the bishops and clergy of the same, to review the said book and make such additions or alterations as they should think meet and convenient, and present the same to the king for his further consideration, allowance, or confirmation; that the bishops and clergy of both provinces had reviewed the book, and presented the same to the king, and that the king had duly considered and, with the advice of his council, fully approved of the same, and recommended the said book to the peers to be the book to be appointed by the intended act of uniformity to be used under such sanctions and penalties as the parliament should think fit.

It was at once referred to the committee for the Act of Uniformity, a motion by the Earl of Northumberland that the old book might be confirmed as it stood, and so the old act of

[372] Wilk. Conc. IV. p. 575; Card. Synod. II. p. 672; Synod. Ang. p. 231; Ken. Reg. pp. 680, 684; Parker, Introd. p. 485; Journ. H. of L. XI. pp. 449, 451. It was meant as an amendment of Can. 18 of 1603.

[373] A. D. 1662. Lord Selborne, Notes, p. 59; Parker, Introd. p. 457; Journ. H. of L. XI. pp. 364, 366, 372, 383; Ken. Reg. pp. 604, 614. Owing to the delay in sending the book revised by the bishops, Lord Dorset reported, from the committee, that they desired to know whether they should proceed upon the book brought from the House of Commons, or wait for the other to be brought in, upon which Sheldon signified that the book would shortly be brought in.

1 Eliz. c. 2 would do and much time be saved, being rejected as an affront to the king and convocation.[374]

71. On March 3rd, 1662, the king announced to the House of Commons that he had

"transmitted the book of common prayer, with those alterations and additions which have been presented to" him "by convocation, to the house of peers, with" his "approbation, that the Act of Uniformity" might "relate to it."[375]

On March 13th, the report of the lords' committee on the bill for uniformity was presented, to the effect that they had

made divers amendments and alterations . . . and in their amendments and alterations had made the bill relate to the book recommended by the king to the house, and not to the one brought with the bill from the commons.

It was then moved that

"the alterations and additions in the book of common prayer as it came recommended from his majesty might be read, before the alterations and amendments in the bill were read,"

and it was so ordered.[376]

72. On the 17th, the lords agreed to the preamble, and resolved that the book sent by the king should be the one to which the act should relate, a proviso from the king being

[374] The common prayer had been sent to the king from the convocation for his judgment and approval. On February 19th, 1662, a council order directed its production at the board on the 21st, when it was debated, and an order made that the council meet on February 21st to continue the debate on the amendments made by the bishops, who were to make choice of four of their number (Sheldon to be one), to attend upon the board on that day. On the 24th, Sheldon, accompanied by the bishops of Durham, Salisbury, Worcester, and Chester attended, and the book, as presented, was read and approved, and ordered to be sent to the peers, with a recommendation signed, on the same day, by the king. Ken. Reg. pp. 631, 632, 633; Journ. H. of L. XI. pp. 393, 396, 400; Clarend. Life, II. pp. 286—288; Parker, Introd. pp. 459, 465; Lord Selborne, Notes, p. 59.

[375] Journ. H. of C. VIII. p. 377; Parker, Introd. p. 461; Ken. Reg. p. 639.

[376] The reading of the alterations and additions in the book was ended on March 15th, the bill for uniformity being considered on March 17th. Journ. H. of L. XI. pp. 407, 408; Parker, Introd. pp. 464, 466; Lord Selborne, Notes, pp. 59—61. The proviso was not agreed to by the commons. Journ. H. of C. VIII. p. 413; Parker, Introd. p. 482.

left for debate.[377] The bill was read a third time and sent to the commons, with an added proviso enabling the king to provide, as he should think fit, for such of the clergy who might be deprived of their livings under the act.[378] The next day the commons sought a conference, and the lords directed

"that the book of common prayer recommended from the king shall be delivered to the House of Commons, as being the book to which the Act of Uniformity is to relate; and also to deliver the book wherein the alterations are made, out of which the other book was fairly written; and likewise to communicate to them the king's message recommending the said book; and lastly to let the commons know that the lords, upon consideration had of the Act of Uniformity, have thought fit to make some alterations, and add certain provisoes, to which the concurrence of the House of Commons is desired."[379]

73. In the commons the lords' amendments to the bill were discussed, and the question whether the convocation amendments to the common prayer should be debated was negatived on a division, but the right of the house to do so if they chose was unanimously affirmed without one.[380] The king's proviso as to the "not using the cross and the surplice," with the dispensing clause, was rejected, on the ground stated at the conference with the lords, by the commons' representative,

"that it would unavoidably establish schism . . . and . . . necessarily make parties, especially in great cities. These two ceremonies of the cross and surplice were long in use in the church . . . he thought it

[377] Journ. H. of L. XI. p. 409.

[378] It was passed on April 9th, the proviso being agreed to the same day. The king's proviso, with other alterations, had been debated on March 14th, 15th, 17th, 18th, 19th, April 4th, 5th, 7th, and 8th. Ken. Reg. pp. 642, 643, 646, 656; Journ. H. of L. XI. pp. 408, 409, 410, 411, 421, 422, 423, 425; Clarend. Life, II. pp. 288—290.

[379] Journ. H. of L. XI. p. 426; H. of C. VIII. p. 402; Parker, Introd. p. 468; Ken. Reg. p. 657. At the conference, the lords explained that the delay of the bill was owing to the book of common prayer having been, by the king's command, under consideration by convocation.

[380] The motion for the discussion of the convocation amendments was lost by a bare majority, the numbers being 90 for and 96 against. Journ. H. of C. VIII. p. 408; Ken. Reg. p. 661; Parker, p. 471.

better to impose no ceremonies than to dispense with any, and he thought it very incongruous at the same time when you are settling uniformity to establish schism."

For the king's engagement at Breda as to tender consciences was not to be understood of

"the misleaders of the people, but of the misled. It would be very strange to call a schismatical conscience, a tender conscience," which "denoted an impression from without, received from another, and that upon which another strikes." The phrase had then (as now) been "much abused."

And the "declaration" had two limitations—

"First, a reference to parliament;

"Secondly, such liberties to be granted only as consisted with the peace of the kingdom."[381]

74. The allowance of fifths to such as would not conform was also rejected,[382] and a proviso for using reverent gestures at the time of divine service was twice read, but the matter, being held proper for the convocation, it was ordered that it be intimated to the lords

"that it be recommended to the convocation to take order for reverent and uniform gestures and demeanours to be enjoined at the time of divine service and preaching."[383]

[381] Journ. H. of C. VIII. pp. 409, 410—413; H. of L. XI. p. 449; Ken. Reg. pp. 671, 679; Parker, Introd. pp. 482, 483. The king, at the meeting of parliament, on November 20th, had left it to deal with and dispose of the religious difficulties. He said, "Matters of religion, I confess to you, are too hard for me, and therefore I do commend them to your care and deliberation; which can best provide for them." Journ. H. of L. XI. p. 333; Parl. Hist. IV. p. 223. The king's proviso is given by Lord Selborne in full, and it shews conclusively that the surplice was then understood, both by the king, the peers, and the lawyers to be the only vestment prescribed under the revised book of 1661—2, from the use of which any dispensation could be required. Notes, pp. 55—57.

[382] The Ayes were 87 against 94 Noes. Journ. H. of C. VIII. p. 414. It was thought repugnant "at the same time to enact uniformity and to allow the fifth of an ecclesiastical living to a non-conformist, for not conforming," for none who make laws ought to suppose that any would break them. H. of L. XI. p. 449; Ken. Reg. pp. 679, 680.

[383] Ken. Reg. p. 680; Journ. H. of L. XI. pp. 449, 451. The order was made by the lords on May 8th; ante, p. 471.

On May 8th, all the many and important alterations and amendments made in the bill for uniformity by the commons were agreed to by the lords, and the bill passed.[384]

75. And so this "severe" act, as Bishop Burnet terms it, became law. By it, we are told,

"there was an end put to all the liberty and license which had been practised in all churches from the time of his majesty's return, and by his declaration that he had emitted afterwards. The common prayer must now be constantly read in all churches, and no other form admitted; and what clergyman soever did not fully conform to whatever was contained in that book, or enjoined by the Act of Uniformity, by or before St. Bartholomew's day, . . was *ipso facto* deprived of his benefice or any other spiritual promotion of which he stood possessed, and the patron was to present another in his place as if he were dead."[385]

And this, adds Burnet,

"without making any provision for the maintenance of those who should be so deprived, a severity neither practised by Queen Elizabeth in the enacting her liturgy, nor by Cromwell in ejecting the royalists, in both of which a fifth part of the benefice was reserved for their subsistence. St. Bartholomew's day was pitched on that, if they were then deprived, they should lose the profits of the whole year, since the tithes were commonly due at Michaelmas."[386]

[384] A message was sent the next day to the commons to let them know that the lords agreed with them "in the alterations, amendments, and provisos, in the bill concerning uniformity." A mistake, discovered in the baptismal rubric by the commons, of "persons," for "children," being rectified by the bishops of St. Asaph and Carlisle, at the clerk's table. Journ. H. of L. XI. pp. 447—450, 451; Ken. Reg. p. 680; Clarendon, Life, II. pp. 288—296; Lord Selborne, Notes, p. 62; Parker, Introd. pp. 484, 485.

[385] Clarend. Life, II. p. 296.

[386] Burnet, Own Times, p. 126. Cromwell did not arbitrarily eject the royalists, and he would have saved the king if he could; but, in putting an end to the tyranny of the Long Parliament, he at all events saved the state. Neal, II. pp. 185—200, 222—226, 235—238, 247—265, 623, 624. "The rhetoric and interest" of a "great minister might," in Collier's opinion, have had to do with the passing of the act as it stands. At the opening of parliament Clarendon had pointed out that the king had referred all that concerned himself, all that concerned religion to it, and he insisted that "every little trespass, every little swerving from the known rule must insensibly grow to a neglect of the law, and that

Besides the revision of the prayer book there is little of importance to note, save the restoration of the episcopacy in Scotland and the consecration of four Scotch bishops at Westminster Abbey, on December 15th, by the Bishops of London and Worcester, by virtue of a commission from the king.[387]

76. A.D. 1662. On January 1st, Jenkins, a minister, was summoned to appear before the privy council, and reproved for not praying for the king.[388] On the 24th, another was indicted (upon the new act, 13 Car. c. 1), and found guilty of treasonable words in a sermon. Exception was taken to the indictment on the ground that the matter was of spiritual and ecclesiastical, and not of civil, jurisdiction, but the objection was overruled.[389] Later on, about March 22nd, forty "eminent

neglect introduce an absolute confusion; that every little difference in opinion or practice in conscience or religion must presently destroy conscience and religion," and whilst advocating a change in the terms of oaths and obligations, if needful, he insisted on some oath, "some law that may be the rule to that indulgence, that, under pretence of liberty of conscience, men may not be absolved from all the obligations of law and conscience; for no good Christian could think without horror of those ministers of the gospel who, by their function should be the messengers of peace, and are in their practice only the trumpets of war and incendiaries towards rebellion! . . . and if the person and the place can improve and aggravate the offence, . . . the preaching rebellion and treason out of the pulpit should be as much worse than the advancing it in the market, as the poisoning a man at the communion-table should be worse than killing him at a tavern." Journ. H. of L. XI. pp. 241—243; Collier, VIII. pp. 433, 434; Neal, III. p. 81.

[387] The commission was dated December 13th. The new bishops were Sharp, Leighton, Fairfull, and Hamilton. Sharp and Leighton were first ordained deacons and priests, the bishops refusing to consecrate without this being first done. Ken. Reg. pp. 577—580, 684; Burnet, Own Times, pp. 87—95; Neal, III. p. 99; Collier, VIII. p. 431; Wilk. Conc. IV. p. 573; Clarend. Life, II. p. 213. The restored episcopacy was afterwards sanctioned by a Scotch act of parliament, and six more bishops were consecrated at Holyrood on May 7th, 1662. Ante, p. 363.

[388] Ken. Reg. p. 601.

[389] He had said that "the government of the Church of England is popish, superstitious, and will worship." At the hearing, the attorney-general replied "that the government of the king was a composite one, and both the civil and ecclesiastical centred in and flowed from the king," and Field was sentenced to be disabled to use all civil and ecclesiastical offices, to be fined £500, and imprisoned till paid. Field's case, Siderfin, I. p. 69. In Attwood's case (2 Cro. p. 421), which was a proceeding in error upon an indictment for the scandalous words,

ministers" were indicted by the grand jury, at Exeter, for not reading common prayer, as by law they ought; some of them pleaded not guilty, and put in bail to the next sessions, hoping to see some change in the law.[390]

77. On May 19th, parliament was prorogued, the most important act of the session being the 13 & 14 Car. II. c. 4, confirming and establishing both the 1 Eliz. c. 2 and the new prayer book joined to it; the object of the act being "the settling the peace of the church" and the securing "an universal agreement in the public worship," so that "every person may certainly know the rule to which he is to conform in public worship and administration of the sacraments." The beneficed clergy were to publicly read and express their assent and consent (on St. Bartholomew's day, August 24th, following) to the use of all things in the revised book contained and prescribed, no other form of public common prayer being lawful after that date.

78. In this act, the liturgy of the first year of Queen Elizabeth was termed an "uniform order of common service . . . agreeable to the word of God and usage of the primitive church"; and, in order to prove that no change was meant to be made in the law as it stood, not only was the 1 Eliz. c. 2 prefixed to the MS. book annexed to and confirmed by the new act, but the 13 & 14 Car. II. c. 4 brought over, continued, and applied to the revised book all the laws, regulating and affecting public worship, that were in force at the time, expressly providing

"that the several good laws and statutes of this realm which have been formerly made, and are now in force for the uniformity of prayer and administration of the sacraments within the realm of

"that the religion now professed was a new religion," the matter was held one for the high commission court. See 1 Keb. pp. 295, 491, 730, 751.

[390] Ken. Reg. pp. 647, 308, 374; Neal, III. p. 98. Orders had been sent round, in or before September, 1660, to the justices of the peace to see to the restoration and use of the church service according to the laws in force. For charges to grand juries, see 1 Keb. pp. 139, 532, 653. They were to inquire of all that use any other than the book of common prayer, and were to preserve the peace of the church.

England . . . shall stand in full force and strength to all intents and purposes whatsoever for the establishing and confirming the said book," etc.[391]

79. There was thus plainly no intention to make any change in any of the laws which governed and regulated public worship, so far as the uniformity of prayer and administration of the sacraments and other rites of the church was concerned; whilst the list of "all the *material* alterations" (out of the some 600 made), which was prefixed to the convocation book[392] proves that none such were intended or supposed to be made in the revised prayer book, other than those set out, for the alteration in the words and form "of the 'ornaments rubric' could not have been omitted from that list if it had been then supposed to alter the law as it stood" under the 1 Eliz. c. 2, § 25, and the "Advertisements" and canons, "or to determine in any particular way any question as to that law which may have been then regarded as open to controversy."[393]

80. Still less can it be said that the bishops

"then enacted the ornaments rubric for the express purpose of enabling their successors in another generation to celebrate the holy Eucharist with all the accessorie of pomp and ornaments which themselves scarcely thought it expedient to practice in the then existing state of things."

For this statement there is not the least foundation; the facts are all the other way.[394] Not only had the king ordered

[391] 13 & 14 Car. II. c. 4, § 24. Acts relating to the same subject matter are *in pari materiâ*, and to be taken together. The 1 Eliz. c. 2, with the 13 & 14 Car. II. c. 4, and the common prayer annexed were thus one act, and are, with anything done under either of them or either of their provisions, to be read and construed as one act. Ante, pp. 3, 5, as to laws in force.

[392] For the list of material alterations made, see Parker, Introd. pp. 100—102.

[393] Lord Selborne, Notes, p. 49.

[394] The bishops neither did, nor meant to do, anything of the kind. "We have no right to class as knaves" those who had already pronounced against any change in (the meaning of) the rubric, and they were not the men to be parties to any fraud or scheme of the kind. Besides, the authoritative and contemporaneous interpretation of the new rubric to be found in the visitation articles of Sheldon, Sanderson, Cosin, Wren, and Sancroft, who may fairly be supposed to have

the Savoy commissioners to compare the prayer book with the ancient liturgies used in the primitive and purest times, but they were to avoid all needless alterations of the long received forms. The commissioners themselves willed that the rubric should stand as it was, and (if there were any doubt left) the omission of the alteration out of the list prefixed to the convocation book, and the express, though later, declaration of Sheldon, the president, would dispose of it. He required, when primate, the clergy of his diocese

"to perform the divine service by reading the prayers of the church as they are appointed in the book of common prayer, without addition to or diminishing from the same, or varying, either in substance or ceremony, from the order or method which by the said book is set down . . . . and that in the time of such their officiating they *ever* make use of and wear their *priestly* habit, the surplice, and hood."[395]

known its real intention, is fatal to any such a view. See Bishop of Carlisle to Mr. Harper, p. 10. It is fair to say that the speaker who made this extraordinary discovery, and thought fit to publish it at an important meeting of the English Church Union, was frank enough to admit and state that he "had not the faintest knowledge of ritual," though he claimed to understand the mind and meaning of the revisers of 1661—2 very much better, it would seem, than the revisers themselves. They were probably ignorant of the "notorious" fact that the rubric which re-enjoined the vestments in the reign of Elizabeth was "further enlarged and made more specific by the Savoy commissioners in 1661," and that "there is no possibility of mistaking their intention." Another critic at the same meeting announced, amidst "great laughter," the discovery of "a very unlucky mistake" made by the Judicial Committee about the canons of 1604. "Their lordships have said that the canons of 1604 *gave authority to* the prayer book of 1604, but dates prove that the canons were not in force until a year afterwards, and the prayer book of 1604 was not issued on the authority of the canons of 1604, but on the authority of a royal proclamation of earlier date than the canons." But their lordships said nothing of the kind. They pointed out that "the revised prayer book, issued soon after the Hampton Court conference, retained the ornaments rubric in the same form as in the prayer book of Queen Elizabeth. The canons of 1603—4, enacted by both convocations and ratified by the king's consent, *sanctioned the use* of this prayer book." And this statement is exact and correct; for Can. 80 directed the churchwardens, within two months of the publication of the canons, to get a copy of the prayer book "lately explained in some few points by his majesty's authority, according to the laws of his highness' prerogative in that behalf"; *i.e.* convocation "sanctioned the use," as the Judicial Committee stated. E.C.U. Meeting, June 16th, 1874. Brooke, p. 173; Can. 80.

[395] Card. D. A. II. p. 278; Wilk. Conc. IV. p. 589.

In the deliberate opinion of Sheldon (a competent judge), the surplice and hood fully satisfied the maximum requirements of the rubric, (so far as the ornaments of the minister were concerned), for the performance of divine service as ordered and appointed by the new book of common prayer.[396]

[396] The letter was written on May 7th, 1670, to the commissary and the dean and chapter of Canterbury, as the archbishop's commissioners, and the like instructions were given in charge to the bishops of his province, "encouraged by his majesty's approbation and express direction." A circular letter to cathedrals, which are said to be "the standard and rule to all parochial churches of the solemnity and decent manner of reading the liturgy and administering the holy sacraments," followed on June 4th. The *maximum* and *minimum* theory was clearly unknown to the law, Sheldon, the bishops, and the clergy convocation. The 1 Eliz. c. 2, § 3 expressly directs all the common and open prayer and administration of the sacraments to be said and used in such order and form as is mentioned in the book of common prayer, "and *none other or otherwise*," and the clause applies to and governs the use of our present book. The 13 & 14 Car. II. § 4, 6, 7, required the clergy to give an unfeigned assent and consent to the use of everything prescribed and contained in the book of common prayer, and to "read the common prayers and service in and by the said book prescribed," and administer the sacraments in such order, manner, and form, as in and by the said book is appointed. Can. 14 of 1603 directs all ministers to "observe the orders, rites, and ceremonies *prescribed* in the book of common prayer . . . *without either diminishing* in regard of preaching, or in any other respect, *or adding anything* in the matter or form thereof." Can. 56 orders divine service to be read and the sacraments to be administered "in such manner and form, and with the observation of *all* such rites and ceremonies, as are prescribed by the book of common prayer;" and Can. 16 is to the like effect. Wilk. Conc. IV. p. 589; ante, pp. 3—6.

In his October visitation in 1662, Cosin enquired whether there were

I. § 6. A "large and decent surplice, one or more, for the minister to wear at all times of his public ministrations in the church?" and in

I. § 7. "Have you . . . a hood or tippet for the minister to wear over his surplice?"

III. § 3. "Doth he" (the minister, parson, or vicar) "use any other words or form than what is prescribed in the book of common prayer . . without omission, addition, or alteration of any of them, using *all* the rites and ceremonies appointed in that book?"

III. § 4. "Doth he always at the reading or celebrating of any divine office . . constantly wear the surplice and other his ecclesiastical habit, according to his degree?" whilst he asks in

I. § 5. "Have you . . a book of the sermons or homilies that were set forth in the reign of King Edward VI. and in the reign of Queen Elizabeth, together with the works of Bishop Jewel in defence of the Church of England . . . *and a book of the constitutions and canons* ecclesiastical?"

The articles of the bishops of St. Asaph, Bristol, Ely, Lichfield, Norwich, and

81. But this will appear more plainly by a reference to, and consideration of, the text of the old and new rubrics, comparing the new one with the old and with the proviso of the 1 Eliz. c. ii. § 25, bearing in mind that not only all the existing laws and statutes in force for the uniformity of prayer were continued and applied, by the 13 & 14 Car. II. c. 4, to the new book, but that the 1 Eliz. c. 2, with the revised book to which it was prefixed, and the 13 & 14 Car. II. c. 4, confirming and establishing them both, are in fact to be read as one act; and also that the alteration made in the rubric was, in the opinion of the revisers, not "material" but "only verbal," and "for the better performing of the service."[397]

82. 1559.	1662.	1 Eliz. c. 2, § 25.
And here it is to be noted,	And here it is to be noted,	*Provided always and be it enacted*,
that[396] *the minister at the time of the communion, and at all other times in his ministration, shall use such orna-*	that such ornaments of the church and of the ministers thereof, at all times of their ministration, shall be retained	that such ornaments of the church and of the ministers thereof shall be retained

Salisbury are to the same effect, as also are those of the bishops of Winchester, Bath and Wells, Chichester, Exeter, Hereford, Lincoln, Llandaff, Oxford, Peterborough, and St. Davids, where one typical form is followed. It enquired for "the book of homilies set forth by authority," and the "book of canons and constitutions ecclesiastical," and whether they had "a comely large surplice for the minister to wear at all times of his public ministration in the church," the use both of the forms *prescribed* in the common prayer "without any addition, omission, or alteration of the same," and of "*all* such rites and ceremonies in *all* parts of divine service as are appointed in the said book," being insisted on; and the last requirement was taken to be fully satisfied by the wearing of "the surplice, together with such other scholastical habit as is suitable to his degree." Card. D. A. II. pp. 276—281; Rit. Com. Rep. II. pp. 564, 601, 606, 607, 609, 611 (where Henchman enforced the use of the surplice "according to the canons"), 612, 614, —617. The interpretation unanimously put upon the rubric by the bishops was, that the surplice, with the hood for graduates and a decent tippet of black for non-graduates, were the only vestments prescribed for use either in saying the public prayers or in ministering the sacraments or other rites of the church, in accordance with Can. 58; and they knew of and enforced no minimum of observance. See App. S. for a summary of facts.

[397] i.e. the letter, but not the meaning, was altered; and the form was "mended" because, taken as it stood, it did not convey the true intention.

[396] The words omitted are in italics.

ments in the church as were in use by authority of parliament in the second year of the reign of Edward the Sixth, *according to the act of parliament set forth in the beginning of this book.*	and be in use as were in this Church of England by the authority of parliament in the second year of the reign of K. Edward the Sixth.	and be in use as was in this Church of England by the authority of parliament in the second year of the reign of K. Edward the Sixth *until other order shall be taken by the authority of the queen's majesty*, etc.

83. Now it is clear upon the face of it, and apart from all historical facts and surroundings, that the difference between the two rubrics is such that, taken as they stand, they cannot mean one and the same thing; and the new rubric differs not only from the old one, but also from the proviso in the act. The old one was merely a gloss upon the 1 Eliz. c. 2, § 25, and it refers the reader to the act itself for its authority and interpretation. The new one does not refer to the act at all, as would have been fitting if attention were still to be called to the proviso and its power.

84. Now the "other order" either had or had not been taken. If it had not, the rubric was best left alone and let stand as it was. To interfere without any cause, to change or vary its well known and understood form, to add to or omit, for no reason whatever, but a word or a clause, much less to strike nearly all of it out, was as needless as perilous, if it was meant still to be read, taken, interpreted, and dealt with, alone, isolated, and apart from all official and historical acts, facts, and surroundings; all the grave and deliberate enactments of the synods of 1603 and 1640; all the formal, authoritative, and judicial interpretations, articles, and decisions of the bishops who framed the canons and revised the rubrics; of men like Bancroft, Laud, Sheldon, Cosin, Sanderson, Wren, and Sancroft, to say nothing of any others, who were as well informed as to its history, and as equally well able to judge of its real meaning and force, and of all the legal and historical facts of the case, as the critics of some two centuries later.[399]

[399] But the new rubric neither could, nor can, be taken, read, and interpreted by itself and without reference to the provisions of the acts of which it forms a

85. But if the "other order" had been taken, and it was still desired to continue and enforce it, then, however well understood the real meaning of the rubric might be, however well established the use of the church, yet by its remaining unchanged in its terms, with the 1 Eliz. c. 2 still prefixed and applied to the new book, it would have been misleading, for to the unwary and unlearned it would have apparently commanded, and so seemed "to bring back the cope, alb, etc. and other vestments" of the first book.

It was perhaps a clearer grasp of the new conditions and

part, or of the powers and provisos contained in them. If the revisers had desired to legalise the ornaments of the first book they had but to say, as in the old rubric, "the minister shall use such ornaments in the church as were in use by authority of parliament in the second year of King Edward VI.," and there leave it. But the fact that they inserted the words "retained and be in" before the word "use," is fatal to the modern theory and interpretation that it commands the Edwardian ornaments. In 1559, upon the restoration of the second prayer book of Edward VI. by the 1 Eliz. c. 2, the ornaments of the first book would have been, and were in fact, illegal, and neither to be retained nor used. In Queen Mary's reign, by the 1 Mar. sess. 2, c. 2, "divine service and administration of the sacraments" were, after December 20th, 1553, to be commonly used as in the last year of Henry VIII. This set up the mass and its abolished and illegal ornaments again. The 1 Eliz. c. 2 would have swept them all away, but for the proviso in § 25, retaining ("to please the queen") those that were in use under Edward VI.'s first book. But as mere retention did not imply or legalise the use, it was needful to say "shall be retained and be in use." The rubric, founded on the act, merely said "shall *use*," for the act had provided for the *retention*; but had the ornaments been anyhow destroyed in the interval between the death of Queen Mary and the passing of the act, the words "retain and use" would not have sufficed to restore either the things themselves or the use.

No one can say that the two sentences,

"such ornaments shall be retained and be in use,"
"such ornaments shall be in use,"

taken independently and separately, are identical and mean one and the same thing. In the one case the retention governs the use, and the use depends on and follows the retention, and this could only apply to things in existence. In the other the use is absolute, and wholly free of any question or need of retention. If then in course of time, from decay or any other cause, anything ordered to be retained and used (without any power, proviso, or direction for reparation or renewal) gradually wore out or ceased to have any actual existence, the law would be deprived of so much of its subject-matter, and would be operative upon, and understood to order and apply to, only what was left. Thus it was that, whilst provision was made for restoring worn-out surplices, there was none made for a supply of copes, etc. Ante, pp. 10, 34, n. 63.

sanctions of the revised book that led the revision committee to decide not to let the rubric remain as it was, but to strike the greater part of it out and remodel the whole, and so to amend it as to bring it into conformity with the actual law and practice of the church and realm. It would, as has already been said, be a "verbal" changing of the rubric "for the better performing of the service," but would not be a "material" one affecting or altering the meaning or the law, and the verbal change would be made because, in the opinion of the revisers, the old rubric did not in its terms express the law of the church as it stood.

86. It probably, too, did not escape them (as the old rubric was not in the book sanctioned by the 1 Eliz. c. 2, and so had no statutory sanction) that any new rubric would be part of an act, and have direct statutory force, the new rubric being in fact a clause in a new act replacing, superseding, explaining, and controlling both the 1 Eliz. c. 2, § 25 and the old rubric founded upon it. If therefore the new rubric of 1662 meant that the ornaments of the first book of Edward VI. were still to be used, it would have the effect not only of setting aside the "other order," if taken, and of substituting the old, but of also repealing the order of the canons of 1604.

87. But upon comparison and analysis, we find this was not so; and it is certain, from the interpretation put upon the new rubric by the very men who revised the old and framed the new, as well as by the bishops generally, as we have seen, that they at least never dreamed of any change having been made in its meaning, or in the accustomed and lawful order.

88. The alterations made in the rubric speak for themselves. The clause of the old rubric "and here it is to be noted," etc. is retained, the words "provided always and be it enacted,"—apt and fitting enough if attention were to be formally drawn to the act and its proviso—not being adopted. The revisers then go from the old rubric to the act itself, and copy out the sentence "that such ornaments of the church and the ministers thereof," and there stop to interpolate the words "at all times of their ministration," thus destroying the

distinction made in the old rubric between vestments used at the time of the communion and at other times, and making the words and rubric apply to ornaments used at all times only. They then omit the words "shall use such ornaments in the church as were in use," etc. and substitute those of the act, "shall be retained and be in use," thus making the use dependent on and governed by the retention, and not absolute as before, indicating thereby that only what had been (in law and fact) retained was to be, as it could only be, used; for (as has been already pointed out) an order to retain and use anything is not identical with a mere order to use, seeing the thing intended to be used must have been first retained. And as they must have known that, apart from any questions of the taking of other order, the mass, altars, mass vestments, etc. had been clean swept away, the idea of the rubric *restoring*, (for that was what it would really be if the modern interpretation of *retain* were correct), the abolished and illegal ornaments never appears to have occurred to anyone. Had the revisers intended to restore, they had but to say so, but this they did not do.[400] And lastly, the reference to the 1 Eliz. c. 2, still, as before, "set forth in the beginning" of the book, and to the power to take "other order," was left

[400] This decisive point was long since taken and disposed of by Sir Roundell Palmer, who remarked that if it was intended to restore anything not at the time retained and in use (for actual retention was impossible) then the use of the words in the rubric, when accurately weighed, was not apt; "an enactment that certain things *shall be retained* and *be in use*" does not imply that "an old state of things, long prohibited by law and also disused in practice, is, for the future, to be revived and brought into use again." The clergy could not use what was not retained nor retain what they had not got. Rit. Com. Rep. 1. p. 139. In 1605, as we learn from a sermon of Mason's, some few of the surplices that had been used in Queen Mary's time were still in existence. In 1662 they, with "vestments" of all kinds, were gone. It was the fact that the very same vestments that had been worn by the priests at mass were ordered to be retained and used, that gave point and force to the objections of the puritans. Mason said: "We confess it to be true they were abused to idolatry, the bells were rung to mass, the surplice was worn at mass, in the church they said their mass. . . If the stain stick only to the particular thing actually polluted, then this argument cannot greatly be urged against the surplice, for not many of Queen Mary's surplices do remain; and if they did, the matter were soon remedied, and time itself in that would wear them away." On the authority of the Church, pp. 38, 44.

out, no notice being taken either of the act, the proviso, or the power, for the purpose of explanation or limitation, because the bishops and the revisers knew that the "other order" had been taken and the power was executed, satisfied, and gone.

89. Up to 1604 the clergy had only the order of the Advertisements, rigorously enforced by the bishops in both provinces, to fall back upon to justify the rejection and disuse of the otherwise rubrical, and lawful, order and ornaments; and there was nothing else to shew whether, and if so when and where, the "other order" was taken, or to justify the orders of the two metropolitans for the destruction of all the mass vestments. After 1604, when it fell to the lot of the bishops to interpret the rubric, still retained in the lately amended book, and to legislate in accordance with its actual intention, the clergy could no longer plead ignorance of the law of the church or of the real canonical order.

90. The interpretation then put upon the rubric by Bancroft and the bishops, who must have known its real meaning, can, and could, only be accounted for on the one supposition that the "other order" had been taken. But to indicate the source from whence, and the authority upon which, the order of the canons as to ornaments was derived and rested, and that of the rubric deliberately rejected, the order of the Advertisements is not merely adopted and incorporated nearly verbatim, but the Advertisements themselves are directly referred to and mentioned.

And the canonical order was uniformly observed, followed, and enforced after 1604, and the order of the rubric disobeyed and set aside, "copes, vestments, and albs" being everywhere destroyed by the express orders and injunctions of the metropolitans, ordinaries, and chief ecclesiastical judges, as "ornaments" not "of the church and of the ministers thereof," but "of superstition" and idolatry.

91. For it was not only primates like Parker and Grindal who did this, but such men as Bancroft, who drafted the canons of 1604, and Laud who did the same, with perhaps Heylyn's aid, by those of 1640, which formally affirmed,

sanctioned, and enforced the order of the "Advertisements of Queen Elizabeth of blessed memory" (as well as that of the canons of 1604) in Canon 7, and in the "summary or collection of visitory articles (out of the *rubrics* of the service book and the warrantable rules of the church)" then made, being an order taken by the authority of the king, with the advice of the metropolitan of the realm. And it was Laud who (with an eye to a possible future) made enquiries in 1637, as we have seen, as to

"whether there be any in your parish who are known and suspected to conceal or keep hidden in their houses any mass books, portesses, breviaries, or other books of popery or superstition, or any chalices, copes, vestments, albs, or other ornaments of superstition, uncancelled or undefaced, *which* it is to be conjectured that *they do keep for a day*, as they call it."[401]

92. But we are told by a speaker before referred to, that "Laud it was who taught the Savoy commissioners, who in 1661 made our prayer book what it is." It may be so; but they certainly had not the ideas attributed to them with reference to the future, and (even if they had) as they only settled to retain and use, and not to restore, and their great master Laud had taken such pains to prevent any retention or keeping "for a day, as they call it," the intention was in vain, for retention and use were not possible when the thing to be retained was gone.

93. The rejected, but not the less important, king's proviso of March 17th, 1662, is, as has been already seen, decisive on the point, for it ran thus:[402]

[401] Works, v. pt. ii. p. 448. The searching nature of the enquiry is decisive. Copes, vestments, albs, etc. were not to be even retained in private houses, much less used in public worship. The question is inexplicable if *any* retention and use were lawful. Ante, pp. 331, n. 54; 376, n. 225; 389, n. 37; 398, n. 80.

[402] Lord Selborne, Notes, p. 56. Mr. Parker terms this "an important proviso," and points out that the two questions respecting the use of the surplice and the sign of the cross in baptism were regarded by the presbyterians as of paramount importance, but we are indebted to Lord Selborne and Professor Swainson for its terms. It is incredible, if all the ornaments of the book of 1549 were then lawful, and the rubric enjoined their use, that a dispensation should only be required as to one, and that the least objectionable of them. Parker, Introd. pp. 474—476; ante, p. 175, n. 381.

"Provided always that, notwithstanding anything in this act . . . it shall and may be lawful for the king's majesty, by any writing and in such manner as to his wisdom shall seem fit, *so far* to dispense with any such ministers as upon the 29th day of May, 1660, was, and at present is, seised of any benefice or spiritual promotion, and of whose merit toward his majesty and of whose peaceable and pious disposition his majesty shall be sufficiently informed and satisfied, that no such minister shall be deprived or lose his benefice or other spiritual promotion *for not wearing the surplice*, or for not signing with the sign of the cross in baptism . . . and . . . such dispensation as aforesaid being granted by his majesty shall be a sufficient exemption from such deprivation, *in the cases aforesaid*."

94. And, if there were any possible doubt left, the opinions and decisions of the men who framed the new rubric and whose duty it was both to interpret and enforce it, would dispose of it. Their testimony cannot be gainsayed; and it may fairly be presumed that they knew what the meaning of the new rubric was, and what they took it to mean, nearly as well as those who in our time prefer to interpret it for themselves. We have already seen how Sheldon and the other bishops understood and enforced it in their official enquiries and at their visitations.[403]

95. But there were those, like Sancroft and others, who though not bishops at the time, were yet so intimately concerned in the revision that their opinion, which at any time would be entitled to respect, is, when formally and judicially delivered, as authoritative as incontrovertible. And it is no

[403] Their visitation articles give us the very facts needful to ascertain and settle, beyond all possibility of mistake, the real intention of the rubric. They furnish us with an authoritative and contemporaneous exposition of the new enactment both by its framers and by those whose duty it was, as honest men, to at once enforce its provisions in their integrity, without any addition, omission, alteration or variation, to, of, or from all the rites, ceremonies, and forms prescribed; and this we find they did. We thus have just what is wanted,—the law expounded, applied, and enforced by the framers as well as by the ecclesiastical judges at their visitations; and we are thus able to fix, with an unerring certainty and exactness, the meaning of the law by ascertaining and observing what was done under it then and afterwards, for *optima est legis interpres consuetudo*.

less a man than Sancroft who asks, as metropolitan, in his visitation articles for 1686:[404]

Tit. i. § 5. "Have you a comely large surplice for the minister to wear at *all* times of his public ministration in the church, . . . and also a hood, agreeable to his degree, or a tippet to be used or worn over his surplice?"

Tit. iii. § 7. "Doth your parson, vicar, or curate read divine service on all Sundays . . . and publicly administer the holy sacraments of baptism and the eucharist, and perform all other ministerial offices and duties in such manner and form as is directed by the book of common prayer lately established and the Act of Uniformity therewith published, and the three offices before mentioned, without addition, diminution, or alteration? And doth he in those his ministrations wear the surplice, with a hood or tippet befitting his degree?"[405]

[404] Sancroft's relationship to Cosin, the convocation, and the revision committees was such that his judicial interpretation is of itself sufficient. It settles, too, all question as to the good faith of the revisers and Cosin,—a matter which it is a shame even to refer to. Mr. Parker seems to think that Wren's notes had no influence upon the corrections of the common prayer, and that Cosin's views were closely followed; but the opinion awaits proof. We may, however, look with wonder "at the untiring energy of Sancroft's pen, who so carefully reduced to writing" the supposed "results of his master's labours." But if any one ever knew the mind of Cosin, the revision committee, and the meaning attached to the rubric, Sancroft did. Parker, Introd. p. 433; Lord Selborne, Notes, pp. 48—50.

[405] The primate, by the express mention of the surplice with a hood or tippet, excludes all else. *Expressum facit cessare tacitum* for here *expressio unius exclusio alterius*, and he insists on the *maximum* of observance, as did all other bishops. The terms of the enquiry, § 7, are general, but are restrained and confined to the use of the surplice, with the hood or tippet; the presumption being that in thus expressing *some* it had expressed *all* the conditions which the clergy were bound to observe. If the Edwardian ornaments had been legal and to be used, it should have been: "Doth he in those his ministrations at all times wear a white alb plain, with a surplice and cope, and if a graduate, doth he wear the hood pertaining to his degree?" Rit. Com. Rep. II. pp. 654, 658.

How far Sancroft was from being a party to the plot or scheme already hinted at may be gathered from the articles recommended to the bishops of his province in 1688. "IX. That they often exhort all those of our communion to continue steadfast to the end in their most holy faith, . . to take heed of seducers, and especially of *popish emissaries*, who are now in great numbers gone forth amongst them, and more busy and active than ever. X. And forasmuch as those *Romish emissaries*, like the old serpent *insidiantur calcaneo*, . that . . all who have the cure of souls be more especially vigilant . . lest those *evening wolves* devour them.

96. And Sparrow, in his "Rationale," first published in 1657, treating "*Of the ornaments to be used in divine service*," wrote thus:

"**The minister in time of his ministration shall use such ornaments as were in use in the second year of Edward VI.** (*Rub.* 2), viz. a surplice in the ordinary ministration, and a cope in time of ministration of the holy communion in cathedral and collegiate churches.—*Qu. Eliz. Artic. set forth the seventh year of her reign.*"[406]

That, some two centuries later, and amid the general laxity and failure of discipline, encouraged by a mistaken charity, the rubric should be liable to be misinterpreted by those who honestly desired to obey the "law of the church,"

XI. That they also walk in wisdom towards those that are not of our communion, . . . more especially that they have a very tender regard to our *brethren*, the *protestant dissenters*, that upon occasion offered they visit them at their houses and receive them kindly at their own . . assuring and convincing them that the *bishops* of this *church* are really and sincerely irreconcileable enemies to the errors, superstitions, idolatries, and tyrannies of the Church of Rome, and that the very unkind jealousies which some have had of us to the contrary were altogether groundless. And, in the last place, that they warmly and most affectionately exhort them to join with us in daily fervent prayer to the God of peace for an universal blessed *union* of all *reformed churches*, both at *home* and *abroad*, against our common enemies, and that all they who do confess the holy name of our dear Lord, and do agree in the truth of His holy Word, may also meet in one holy communion, and live in perfect unity and godly love." (The italics are Sancroft's.) Card. D. A. II. p. 320; Wilk. Conc. IV. p. 618.

[406] p. 387. An anonymous edition came out in 1655, and others in 1664, 1668, 1672, and a seventh in 1722. The canons had limited the use of copes to the (three) "*principal* feast days." We may take Sparrow's statement as a public declaration of what was understood to be the state of the law before the revision of 1662, and, as no change was made in the later editions, of what he took to be the law after it. His collection of "articles, injunctions, canons, etc." first published in 1661, and "humbly presented to the convocation," contains what he took to be the church laws in force at the time. Wren, too (no mean authority), in his notes or "Advices," wrote thus: "Also, who knows how the chancels were in those times past, so many having since then been demolished and many disused? But what is now fit to be ordered herein, and to preserve those that are still in use, it would be set down in express words, without those uncertainties which breed nothing but debate and scorn. The very words of that act 2 Edw. VI. for the ministers' ornaments would be set down, or to pray to have a new one made; for there is something in that act that now may not be used." Frag. Illus. p. 55.

is not perhaps much to be wondered at, seeing that its meaning had to be learnt from its history, and that had to be ascertained.

97. But the result of the examination of the actual historical facts proves that the unbroken use and custom of the Church of England, from 1566 downwards for some three centuries, hath its root in positive law. To the metropolitans who enforced (in both provinces) in 1566, and by the express orders of the queen, the "other order" and orders of the Advertisements,—to Bancroft and the synod of 1604, as to Laud and the lawful synod of 1640, the rubric was plain enough. They knew its real force and meaning, and enforced its true intention; and to both, in their energetic search for "copes, vestments, albs" and other "ornaments of superstition" (the enquiry reaching even to the retention, without the use, in private houses), the possibility of the lawfulness of any of them, under the proviso of the Elizabethan act, could never have been even dreamed of; nor do we meet with a single instance of the use of the abolished and illegal ornaments by any of the parochial clergy, nor a single plea (in reply to the bishops' articles) that they were enjoined and lawful.

98. It probably did not occur to the revisers of 1662 that difficulties might be afterwards felt in interpreting the rubric, when its history and surroundings had been lost sight of and forgotten, nor that what was so plain and intelligible to them might be hard and perplexing to us.

But the truth in this, as in other and common matters, is to be learnt and judged of by a consideration of all the facts and matters taken together, for it is often easy enough to shew that isolated facts are open to objection, but not so easy to discover and set clearly out all the facts in one view, so that the meaning and united force of the whole might be both seen and felt in the irresistible and inevitable conclusion.[407]

[407] The facts now set out prove that the surplice, with the hood or tippet, are the only lawful ornaments of the minister in saying common prayer or administering the sacraments or rites of the church; and also that no ritual, ceremonial, order, or form of common prayer or divine service is lawful other than that pre-

99. In June we find a Mr. Heywood suspended *ab officio* by the Chancellor of York for not reading the common prayer, and meetings of the country clergy held in divers places to consult as to yielding or refusing conformity to the new act, its severity being much spoken of. Some propounded "a way of peace," that all opinions should be tolerated and none prosecuted, and the non-conformists encouraged their party to go on and stand out, so as by the mere weight and show of numbers they might gain such a toleration and indulgence as would "vacate and make void

scribed and appointed by the book of common prayer, as established, amended, or modified by parliament. They also prove that the objections taken to the Ridsdale judgment have not the historical basis that many supposed (ante, pp. 8—13), but are, as a matter of fact, wholly unhistorical and groundless. A more unfortunate "battle-field" could scarcely have been chosen if it was proposed to seriously attack the finding of a court confessedly manned by our ablest men and "our highest and maturest judicial power."

No one of the "six points" lately contended for has the sanction of that "law of the church and realm," which the clergy, as honest men, are bound to obey and the bishops to enforce. The criterion of "conformity with primitive and catholic use" will be considered further on; but although it was a, if not the, leading principle of the Reformation, and is one of great and decisive weight with many, *in foro conscientiæ*, yet we are bound by what was done and not by what it may be thought was proposed to be done. If the principle anywhere fell short in its application, and defects have to be remedied or more perfect results obtained, it should be done in an orderly and lawful way, by competent authority and in no party or sectarian spirit. And it has yet to be proved that the "six points" have the venerable sanction of "primitive and catholic use."

It is much to be regretted that in this painful controversy so much personal feeling and needless abuse should have been indulged in. The terms and spirit in which some of the later judgments of the Judicial Committee have been criticised and assailed by some lay and reverend persons, whose "zeal—honest, no doubt, and conscientious—has outstripped their knowledge and also overmatched their charity," would be best passed over in silence, had the critics confined themselves to mere charges against the decisions as vague, erroneous, or mistaken. But when personal imputations are sown broadcast and made (against judges of the greatest eminence) of wilful and deliberate perversions both of facts and of law, and neither the dignity of the court nor the probity, learning, and ability of the judges avails to protect them from attacks, which have not only passed the bounds of all reason, but are made with the harshness and violence unhappily incident to theological strife, it is time not only that the justice of the charges should be flatly denied, but that the whole truth should be told, all the facts fairly set out, and the conclusions left to the unbiassed judgment of all honest, order-loving, and law-abiding citizens.

all former laws," and at court it was debated whether "to execute or relax and, in a manner, suspend the Act of Uniformity," but the lord chancellor was for a steady execution of the act. The canons of 1603, and the articles of 1562, were also re-published, and in July the bishops appear to have begun their visitations.[408]

100. On August 6th, public advertisement was given that the new book of common prayer was printed, and to be had, but as it was scarcely possible for the clergy to get copies in time for use, much less for perusal and consideration, we find one bishop granting a certificate of there being a lawful impediment to its use. On the 14th, there was a great debate in the privy council as to the strict and punctual execution of the act, but Sheldon pressed for the execution of the law, for that "England was accustomed to obey laws," and his view prevailed. On the 17th, the new book came into use.[409]

[408] Another edition of the canons was published "by his majesty's authority for the due observation of them," in 1665. Sanderson's visitation began on July 7th, and articles for the visitation of the bishops of Ely, Lichfield, Salisbury, Norwich, Worcester, Bristol, Chichester, St. Davids, and Peterborough, as well as for those of Bailey, the dean of Sarum, and Porey, the archdeacon of Middlesex, were also printed,—those for Lincoln, Chichester, St. Davids, and Peterborough following the typical form. Sanderson's contained an admonition to the churchwardens, pointing out that the true discharging of their office was the chief means whereby public disorder, sins, and offences were to be reformed and punished, and the bishop and his officers were to proceed against them if they neglected their duty in this respect, just as in cases of wilful omission and perjury. The delivery of the books of articles for the churchwardens, questmen, and synod's men, to ground their presentments upon, should be made so as to give convenient time for the framing presentments; Canon 119 says "for the year following." The bishop's visitation is not only a synod, but a court wherein he is said to sit as a judge of assize, receiving the presentments of the churchwardens, questmen, and sidesmen, who are the grand jury. It is the appointed means of promptly enforcing and maintaining order, discipline, and obedience to the law amongst the clergy in his diocese. Hacket's or Laney's visitations, as well as Porey's, seem to have been in August; those of the bishops of Salisbury, Bristol, and Oxford were in September, whilst the bishops of Bangor, Chichester, Durham, and Norwich visited in October. Ken. Reg. pp. 722, 723, 712, 713, 724, 725, 726, 730, 738, 740, 758, 771, 783, 791, 804, 809, 813, 825, 837; Ayliffe, p. 515; Noy. Rep. p. 123.

[409] The new common prayer was to be used on some "Lord's day before the feast of Bartholomew," and this fell on August 17th. The dean and chapter of Peterborough could not obtain a copy to use on that day, hence the bishop's certificate. Between August 6th and August 17th was but eleven days, and it was

On August 24th, "the Act of Uniformity expelled from their public places about 2000 ministers."[410] On the 27th, a

clearly out of the power of most of the clergy, save perhaps those in or near London, to obtain copies for perusal. No honest conscientious man could be expected to assent to a book he had never seen, and to some 600 alterations, of whose nature, meaning, and purport he had no knowledge. And however just, in theory and in the abstract, the remarks of Lord Clarendon and Bishop Sheldon may have been, yet the requiring in practice a preremptory consent and obedience was, under the circumstances, both unjust and unwise. It is said, and apparently with truth, that the new book did not come out of the press "till about Bartholomew eve." The king had, as we learn from Clarendon, made, in Monk's presence, a positive promise to some London ministers that the execution of the act, as to all but the reading of the liturgy, which they would conform to, should be suspended for three months, but it was set aside at a council held at Hampton Court in July, where the primate and Sheldon, with the Lord Chief Justice Bridgman, the attorney-general, together with the chancellor, the general, the Duke of Ormond, and the secretaries, were present. The Roman party, too, had pressed the king for a general toleration. Apart from the conscientious objections to consent to and use a book they had not yet seen, Calamy mentions several other reasons. But the author of the "Apologia pro ministris in Anglia" (p. 3, ed. 1665), brings all the moot points under four heads: 1. "An Episcopatus sit licitum regimen in Ecclesiâ Christianâ?" 2. "An praescriptae praecationum formulae usurpari possint?" 3. "An sit penes quamlibet particularem Ecclesiam nationalem leges ferre de externis circumstantiis, ad cultum Dei pertinentibus, et an obligantur privati ad praestandum obedientiam talibus legibus?" 4. "An debeat esse uniformitas in particularibus coetibus cujuslibet Ecclesiae nationalis?" The term "Puritan" now gave place to that of "Protestant Dissenters" or "Nonconformists," as they were called, and these were again divided into Presbyterians, Independents, Anabaptists, and Quakers; the terms of "High Church" and "Low Church" originating subsequently in the unedifying squabbles and disputes of the convocations of 1701 and 1703, the bishops being ranked as low churchmen. Ken. Reg. pp. 739, 740—743, 730, 737, 837; Clarend. Life, II. pp. 298—305; Neal, III. p. 127; Calamy, Non. Mem. I. pp. 37—50; Burnet, Own Times, pp. 126, 131; Lathbury, Conv. p. 377.

[410] Most of the presbyterian ministers in the London diocese are said to have "deserted and relinquished their livings," a "method to be observed" being agreed upon. But some of them, whilst honestly resigning their preferments, did yet plead and write for their own and others lay conformity. Amongst them, Baxter urged the people not to forsake their parish churches under the liturgy and episcopal ministers, for said he, to the people conformity is the same, for it is the liturgy, ceremonies, and the ministry that must alienate them; but the liturgy is a little amended as to them, "and the *ceremonies* are the *same*," and "I hold all the doctrines in this book to be true and good." And Bishop Kennet remarks: "Those who refused to conform in a tender regard to oaths and subscriptions were more to be commended and trusted than those who, with reluctancy, conformed to keep or get a benefice, and were afterwards cold friends and even betrayers of the

petition was presented to the king by Dr. Calamy and others, reciting that they could not "in conscience conform to all things required" in the act, and desiring toleration. The next day the matter was debated in council, the king declaring that he "intended an indulgence if it were at all possible"; but Sheldon, who had come, although not a member, warmly remarked that he had already ejected all such of his clergy as would not obey the law, and that, if the "importunity of disaffected people were a sufficient reason to humour them, neither the church nor the state would ever be free from distractions and convulsions," and so it was carried that "no indulgence at all should be granted."[411]

101. On October 14th, a king's letter went to the primate, containing directions for the better regulation of preachers.[412]

church," for "too many came in for the barn and the cupboard, and not on principle." The lists of ejected ministers he gives go to shew that they were mostly men of position and education, only eight being mentioned as having been in business or trade. Dodd calls the 13 & 14 Car. II. c. 4, "this killing act." Ken. Reg. pp. 746, 782, 811, 772, 838, 908, 917; Clar. Life, II. p. 305; Collier, VIII. p. 436; Neal, III. pp. 120—131; Dodd, III. p. 186.

[411] Ken. Reg. p. 753; Calamy, Mem. I. p. 32. The men who were now, and thus, driven out were among the ablest, best, and the most learned of their order. The changes made in the reigns of Henry VIII., Edward VI., and Elizabeth had but little affected the great body of the clergy, who mostly retained their preferments. This one stands alone in its causes, nature, and results; for now the foundations of English non-conformity were laid both broad and deep, and the church soon found itself confronted by a strong and united body of dissenters, whom the bitter pains of persecution and the memories of wrong had, for all hostile purposes, welded into one. Behind such men as Baxter, Howe, Goodwin, Calamy, and others, came a goodly host of more than a fifth of the whole body of beneficed clergy, with the best of the London ministers at their head. At Oxford seven heads, and at Cambridge four, besides a number of others, university officers, fellows, and members, were ejected. But it was not only the men that went; their expulsion meant yet much more than that. The Reformation had for ever severed England and Rome; this fatal ejection finally separated the Church of England from the other reformed churches, and "thus cut it off from all healthy religious communion with the world without." It stood thenceforth isolated and alone, and soon sank into that deadness and stupor from which men like Wesley, Whitfield, Rowland Hill, and others, with the old evangelical party in the church, sought to arouse it. See Green, Hist. Eng. People, pp. 609, 610; Hallam, C.H. II. pp. 37—51, and Sancroft's endeavour to promote reunion, ante, n. 405.

[412] It was sent round to the bishops on October 23rd. Ken. Reg. pp. 794, 795; Card. D. A. II. pp. 253—260; Wilk. Conc. IV. pp. 576—578.

The fifth direction ordered that

"all ministers within their several cures be enjoined publicly to read over unto the people such canons as are or shall be in force, at least once, and the thirty-nine articles twice, every year, to the end that they may the better understand and be more thoroughly acquainted with the doctrine and discipline of the Church of England, and not so easily drawn away from it as formerly they have been."

On November 2nd, a commission was issued for the purpose of examining and certifying the copies of the book of common prayer, ordered to be kept in the different collegiate churches, the respective courts at Westminster, and the Tower of London.[413]

On Dec. 26th, the king put out what was called "The declaration of Somerset House": it was said to be by the advice of the privy council, but was, says Burnet, "designed by the king himself." It was professedly published for the purpose of refuting the four "wicked and malicious suggestions" made against the government.[414]

102. A.D. 1663. On February 18th, parliament and, the next day, the two convocations met, but very little business was done in either.

In that of Canterbury, the question of a Greek and Latin Gram-

[413] There were four bishops, seven deans, six doctors of divinity, and two other clergymen, with four lay doctors of law, and the copies exemplified under the great seal by them were to be taken, adjudged, and expounded to be good and available in the law to all intents and purposes whatsoever. As all the rites and ceremonies appointed in and by the book of common prayer are strictly to be used and none other, offenders were, and are, properly punished and punishable by indictment upon the statutes 14 Car. II. c. 4 and 1 Eliz. c. 1, of which the book forms a part, the jurisdiction of the ordinary notwithstanding. The courts would therefore need certified copies of the books so as to deal with wilful law-breakers. Ordinaries may also deprive those who deprave and do not observe the said book, and they are expressly charged to maintain and enforce the order and uniformity prescribed by the statute, and this is properly and summarily done at their visitations, when the bishops go circuit. Watson, pp. 54, 321; Ayliffe, pp. 208, 319, 514, 515; Steph. C.P. I. p. 41.

[414] The real object of the declaration was to secure a toleration for the Romanists. The Presbyterians saw through it and opposed it, but the Independents were in favour of it. Card. D. A. II. p. 260; Lingard, IX. p. 42; Ken. Reg. pp. 848—852; Burnet, Own Times, p. 133; Calamy, Mem. I. p. 54; Dodd, III. p. 187; Neal, III. pp. 131—133.

mar for Schools was discussed, and the preparation of *A form for the consecration of churches, chapels, and other ecclesiastical places*, was, on May 2nd, treated of, and the work committed to the Bishop of Durham, who presented it on June 20th, when it was referred to the Bishops of Oxford, Salisbury, Lincoln, and Lichfield for revision. A subsidy having been agreed on, the convocation was prorogued on July 27th following.[415]

103. In parliament,

after a short speech from the king, referring to his declaration of December 26th, a grand committee for religion was appointed by the commons, and ordered to meet every Monday, and the house being informed, on February 19th, that Mr. Calamy had been committed to prison for a breach of the Act of Uniformity, but had been discharged upon pretence of some defect in the act, a committee was nominated to look into the matter and report on the defect.[416] On February 27th, an address to the king upon his "late gracious declaration of December 26th last" was agreed to by the commons. It stated that it was "in no sort advisable that there should be any indulgence to such persons who presume to dissent from the Act of Uniformity," the right to the benefit of the "Declaration of Breda" being disposed of by that act; and, as to the indulgence claimed, it would "establish schism by a law, and make the whole government of the church precarious, and the censures of it of no moment or consideration at all." Moreover, it was not becoming "the gravity or wisdom of parliament to pass a law at one session for uniformity, and at the next session (the reasons for uniformity continuing still the same) to pass another law to frustrate or weaken the execution of it"; and it would expose the king "to the restless importunity of every sect and opinion, and of every single person also," who differed from the Church of England. It would also be "a cause of increasing sects," who would be yet more troublesome so as to get a general toleration, and then in time some one sect would "contend

[415] Syn. Ang. pp. 232—237; Lathbury, p. 307; Wake, p. 518; Wilk. Conc. IV. p. 578; Collier, VIII. p. 443. In the York assembly the same subsidy was agreed on as had been given by that of Canterbury, and on July 15th the Bishop of London informed the lords of the Canterbury grant.

[416] Calamy had attended his parish church on December 28th, and, there being no preacher, yielded to the importunity of the congregation and preached. For this he was sent to Newgate, by the lord mayor, the next week, but was soon after released by the king's order. Journ. H. of C. VIII. p. 437; Neal, III. p. 135.

for an establishment," and that, for aught that could be foreseen, "may end in popery." The thing, too, was without precedent, and so far from tending to peace would only occasion disturbance.

To this the king very briefly replied the next day, saying he would take time to consider it, but that their interests were so linked together that they could never disagree.[417]

On May 31st a petition, agreed upon by both houses on the 28th, against "Jesuits and Roman priests" was presented by the lord chancellor to the king, who replied on April 2nd that he would, as desired, issue a proclamation and take care that it should be effectual.[418] Bills against pluralities, for the better observance of the Lord's day, the better maintenance of ministers, for the prevention of popery, and against sectaries and conventicles, with one for the relief of persons disabled by sickness from subscribing the declaration to the Act of Uniformity, were brought into the commons.[419]

[417] Journ. H. of C. VIII. pp. 442, 443; Collier, VIII. pp. 437—440; Neal, III. pp. 133—135; Parl. Hist. IV. pp. 259—263; Burnet, Own Times, p. 134; Lingard, IX. p. 44; Dodd, III. p. 186. Meantime a bill had been brought into the lords, and read a first time on February 23rd, "concerning his majesty's power in ecclesiastical affairs." It was read a second time on the 25th and committed. On the 28th the committee reported, and a list of the acts relating to the king's power in ecclesiastical matters and to oaths was ordered to be prepared by the attorney-general. The bill itself ran thus: "Be it enacted . . that the king's majesty may, by letters patent under the great seal, or by such other ways as to his majesty shall seem meet, dispense with one act or law made in the last session of this present parliament, entituled 'An Act for the Uniformity,' etc. . . . and with any other laws or statutes concerning the same, or requiring oaths and subscriptions, or which do enjoin conformity to the order, discipline, and worship established in the church, and the penalties in the said laws imposed, or any of them." The next day a list of acts was brought in. They were: 23 Hen. VIII. c. 9; 24 Hen. VIII. c. 12; 25 Hen. VIII. c. 19, 20, 21; 28 Hen. VIII. c. 16; 1 Edw. VI. c. 1; 2 & 3 Edw. VI. c. 1; 3 & 4 Edw. VI. c. 10; 5 & 6 Edw. VI. c. 1, 3; 1 Mar. c. 3, sess. 2; 1 Eliz. c. 1, 2; 5 Eliz. c. 1, 28; 8 Eliz. c. 1; 13 Eliz. c. 2, 12; 23 Eliz. c. 1; 27 Eliz. c. 2; 29 Eliz. c. 6; 35 Eliz. c. 1, 2; 1 Jac. I. c. 4; 3 Jac. I. c. 4, 5; 7 Jac. I. c. 2, 6; 1 Car. I. c. 1; 3 Car. I. c. 2; 12 Car. II. c. 14, 19, 24, 30, 35; 13 Car. II. c. 12; 13 & 14 Car. II. c. 1; 14 Car. II. c. 3, 4. Journ. H. of L. XI. pp. 482, 484, 486—489, 490, 491, 492. The house agreed to the bill, with the exception of the clause, "and with any other laws . . . church," but in the end it fell through.

[418] Parl. Hist. IV. p. 234; Journ. H. of C. VIII. pp. 449, 450, 453, 459, 463; H. of L. XI. pp. 495, 498—505. The proclamation was issued on April 9th, others followed on November 10th, 1676, June 10th, 1674, November 12th and December 21st, 1679. Wilk. Conc. IV. pp. 579, 586, 593, 603, 604.

[419] The first was read twice and committed, the second passed both houses, but

In the lords, on July 3rd, the house was informed "that the Lord Langdale, a peer of this realm, hath been lately presented in the spiritual court of the Archbishop of York, for not coming to church, and hath been summoned to appear in the said court in time of parliament, contrary to the privileges of parliament,"[420] and the matter was referred to the committee of privileges.

On July 27th, parliament was prorogued to March 16th, 1664. This year Archbishop Juxon died, and was succeeded by Sheldon.[421] We find, too, that the 13 & 14 Car. II. c. 33 (regulating printers and printing presses) was not allowed to sleep, for one printer was hanged and quartered for libel, and three others, a printer, a bookseller, and a bookbinder, were pilloried and heavily fined for printing and selling what were called malicious and seditious books.[422]

104. A.D. 1664. In the southern convocation of this year very little, and in the northern nothing, was done. In that of Canterbury the bishops treated,

on April 20th, concerning the grammar which, on May 4th, was brought up from the clergy house, to whom its compilation had been committed, and it was left for revision to a committee of six bishops, and finally, on May 18th, a Latin translation of the common prayer was entrusted to the Bishop of Salisbury and the Dean of Westminster.[423]

The clergy, however, presented a petition to the House of Commons against Anabaptists, for the better observance of the Lord's day, the easier collection of the small tithes, and the "more equal manner of rating subsidies upon the clergy, the present measure thereof to them bearing no proportion with

was lost from the table of the House of Lords on July 27th, the third passed the commons, the fourth was sent to the lords, where it was read a third time, whilst the last took effect as the 15 Car. II. c. 6. Journ. H. of C. pp. 436, 440, 516, 437, 454, 458, 492, 496, 449, 452, 460, 462, 499, 503, 504, 512, 515, 523, 488, 491, 509, 510, 514, 515, 523; H. of L. XI. pp. 549, 558, 561, 573, 577, 579; Collier, IX. p. 440; see Clarendon, Life. II. pp. 343—359.

[420] What the report, if there was any, said does not appear in the journals. Journ. H. of L. XI. pp. 534, 633.

[421] For a notice of "the manner of the translation," see Heath, Chron. p. 523.

[422] Heath, Chron. p. 521; see Wilk. Conc. IV. p. 615.

[423] Syn. Ang. pp. 238—240; Wilk. Conc. IV. p. 581.

the rest of his majesty's subjects," as well as for the better maintenance of vicars and perpetual curates, and the due payment of church rates and assessments.[424]

In parliament, bills against seditious conventicles and pluralities were brought in, and the former passed as the 16 Car. II. c. 4.[425]

105. A.D. 1665. In the Canterbury synod the primate, on February 18th, requested the bishops to learn the names and residences of the ejected ministers, and on March 4th, he required them to see that all rectors, vicars, and curates throughout their dioceses performed divine service, according to the prescribed form, distinctly and fully, and without any omission in any part, and with surplices.[426]

In parliament, the clergy petition for a "more equal manner of rating subsidies" was met by the 16 & 17 Car. II. c. 1, which provided in

§ 20. "That no privilege, place, or person, body politic or corporate," be exempt from taxation.

§ 30. "That spiritual promotions, lands, possessions, and revenues be discharged from two out of the last four subsidies granted by 15 Car. II. c. 10."

§ 36. That "nothing herein contained shall be drawn into

[424] Wilk. Conc. IV. p. 580. The clause relating to the rating of the clergy subsidies was satisfied by the 16 & 17 Car. II. c. 1 of the next year.

[425] 16 Car. II. c. 4; Card. D. A. II. p. 278. A proclamation was issued in July, 1669. The act provided that any one above sixteen who attended a conventicle, where five or more were met, was liable to a fine of £5 or imprisonment for three months for the first offence, a fine of £10 or imprisonment for six months for a second offence, and transportation for seven years for a third. For the order in council of February 3rd, 1674, see Wilk. Conc. IV. pp. 595, 588.

[426] "Divinos preces, juxta formam libri publicarum precum in ea parte stabilit. distincte et plenarie, absque aliqua omissione earundem in aliqua parte, superpelliceis indutis, discreto ordine perlegant." Syn. Ang. p. 242. This authoritative and formal act proves, beyond a doubt, if other proof were wanting, that the surplice was the only vestment to be used at all times of ministration, and that its use satisfied the maximum of observance. On July 7th, Sheldon put forth six orders for the bishops. The last required an account of all the ejected nonconformist ministers to be sent in to him, with "where, how, and in what profession of life they now do live." In 1676, the bishops had to send in an account of the number of dissenters and recusants in each parish. Wilk. Conc. IV. pp. 583, 598.

example to the prejudice of the ancient rights belonging to the lords spiritual and temporal or clergy of this realm," etc.

This act was debated by a committee of the whole House of Lords, and the lord chamberlain reported that they had "thought fit to make some alterations, and have added a proviso for saving of their lordships' ancient rights and privileges."[427]

106. This change in the manner of taxing the clergy was, according to Mr. Speaker Onslow, the result of an agreement between Sheldon and the lord chancellor. It does not appear to have been brought before the clergy convocation, nor in fact, seeing that it merely granted, and was probably based upon, the prayer of their own petition, was there any need. But at all events the beneficed clergy now gave up the ancient privilege of taxing themselves, and were thenceforth merged in the great body of citizens, being taxed and voting in common with them for members for the counties and boroughs, and thus convocation ceased to have any reasonable existence, seeing that the original *ratio convocandi* was gone.[428]

[427] The proviso was § 36. Journ. H. of L. XI. pp. 651, 652; Lathbury, Conv. p. 308; Collier, VIII. pp. 444—448; Burnet, Own Times, p. 136; Parl. Hist. IV. p. 310; Warner, II. p. 611; Lingard, IX. p. 51. The 22 & 23 Car. II. c. 3, § 60, with the 25 Car. II. c. 1, § 30, the 29 Car. II. c. 1, § 32, the 30 Car. II. c. 1, § 65, contain the proviso, which was no doubt meant to protect and preserve the rights of the bishops and the clergy, the change made being perhaps thought to affect the question of taxation only and not the right to meet in convocation, which seems to have been looked on by Cosin, and probably by the most, as an ordinary provincial synod, perhaps from its containing, with the bishops, the chief elements of one. Cosin, Works, IV. p. 368, and see Can. 139 (1604).

[428] Upon the passing of the act, 16 & 17 Car. II. c. 1, the clergy obtained the right to vote and be taxed with, and as, the laity, but not to sit in the House of Commons. The convocations, however, still met as a matter of form, but only, after various continuations, in which no business was done, to be dissolved with the parliament some fourteen years afterwards. On April 19th, 1689, both houses presented an address to the king, praying for the "calling a convocation of the clergy of this kingdom, to be advised with in ecclesiastical matters," and the petition was granted. This was under exceptional circumstances, and a commission was issued in September to eleven bishops and other divines to meet "and to prepare such alterations of the liturgy and canons, and such proposals for the reformation of ecclesiastical courts, and to consider of such other matters" as in their judgments would conduce to the reconciling the differences amongst the king's

We find the following fairly correct account in Kennet:

"This year began a very remarkable change in the liberties and properties of the clergy of England by altering the way of taxing themselves, and being taxed in common with the people in parliament. It must be observed that by the original constitution the lords spiritual and prelates and clergy were esteemed one of the three estates of the realm, and therefore met in ecclesiastical assemblies on the civil account of giving their own money and securing their own secular rights and liberties. This was the true and only reason of the inferior prelates and clergy being called to parliament by a clause of *praemunientes* . . by which parliamentary summons the lower clergy never found place among the temporal commons, as the bishops had long before done among the temporal lords, but they were only to meet in a distinct assembly in parliament time, for the parliamentary purpose of aiding the king with money and making their petitions for any redress of grievances or grant of liberties, etc. And these parliamentary convocations only meddled with the civil rights of the church, not concerning themselves with subjects. Convocation met on November 21st, 1689, and was dissolved in 1690 with the parliament, and without entering on any business. For the next ten years it only met to be prorogued, and, after the controversies of 1716—1717, its meetings were merely formal, no licence to treat being granted.

The clergy representatives, like those of the laity, were first summoned to parliament and met, in the thirteenth century, for the one civil purpose of taxation only. Before that time the clergy, from a very early period, had claimed, or obtained, exemption from all civil taxation or lay service (save perhaps, in Saxon times, that of the *trinoda necessitas*, and later on, the knight's service of bishops, abbots, and lords priors), and they were wont, when they gave an aid or "benevolence," which they occasionally did, to do so through the bishops and at a diocesan synod. But when, under Edward I., the principle of taxation by representation was established and made to affect both the lay and clergy commons, the old practice was of necessity abolished, and the bishops of each province met the convocation of the capitular and diocesan representatives (summoned, like those of the lay commons, to parliament) at one time and place. They were not a provincial synod, a fact recognised by Pole, who called a synod whilst convocation was sitting; and it had no original, or actual, judicial or legislative power whatever. Its meetings gave it an opportunity of making complaints to the bishops, and of discussing matters affecting the clergy and the church, and Henry VIII. made use of it to obtain the formal sanction and approval of the clergy to his schemes of reform, and this seems to have been ungrudgingly given, for no mention is made of any one member of the clergy house, or of the clergy, resigning his benefice or preferment in consequence of the king's measures and proceedings. Ante, pp. 140, 169, § 39; 372, n. 208, App. H.

doctrine or discipline, or other such things, which were reserved to the proper ecclesiastical synods, called, independently of parliament, to meet in two provincial assemblies, before the respective archbishops. This constitution of the church was not altered by the Reformation any further than as the ecclesiastical synods could no longer be called but by the king's writ, nor act but by his authority, because he was now declared supreme head. And there was a less change in the parliamentary convocation; they gave their money as before, only their grants of subsidy were now generally confirmed by acts of parliament."[429]

The importance of the change has been somewhat overrated by various writers, but with this fact the historical enquiry may now be brought to a close.

[429] Hist. III. p. 244; and see Stubbs, Charters, pp. 355, 415, 418, 432, 433, 439—446, 452—456, 460—464, 466, 479—485, 496, 497; Walsingham, Hist. I. pp. 61, 63, 71, 72, 80 (Rolls ed.); Math. Paris, VI. pp. 353, 392 (Rolls ed.); ante, p. 34. The three estates of the realm were: the lords spiritual, the lords temporal, and the (lay and clergy) commons in parliament assembled.

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